



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 11th July, 2014:—

### BILL NO. 16 OF 2014

*A Bill to provide for payment of guaranteed minimum pension to all pensioners including those who have worked in unorganized and private sector in the country and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Minimum Pension (Guarantee) Act, 2014.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, being not later than three months from the date of assent, as the Central Government may, by notification in the Official Gazette, specify.
- (4) This Act shall also apply to persons retired from employment in unorganized and private sector.

Short title,  
extent,  
commencement  
and  
application.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

- (i) “Board” means the National Pension Board constituted under section 3;
- (ii) “Fund” means the National Pension Fund constituted under section 6;
- (iii) “pensioner” means any person who has served in any office or public sector enterprise or other statutory agency set up by a State Government and is getting pension by virtue of service rendered by him; and
- (iv) “prescribed” means prescribed by rules made under this Act.

National  
Pension  
Board.

**3.** (1) The Central Government shall constitute a Board to be known as the National Pension Board.

(2) The Board shall consist of:—

- (a) a retired judge of the Supreme Court or of a High Court to be appointed by the Central Government—Chairperson;
- (b) the Secretary to the Union Ministry of Labour and Employment—Member Secretary, *ex-officio*;
- (c) the Secretary to the Union Ministry of Finance—Member, *ex-officio*;
- (d) three members representing major trade unions, to be nominated by the Central Government, in such manner as may be prescribed;
- (e) two members representing Public Sector Enterprises, to be nominated by the Central Government in such manner as may be prescribed;
- (f) three members representing private sector and unorganized sector pensioners to be nominated by the Central Government in such manner as may be prescribed;
- (g) five members of Parliament of which three shall be from Lok Sabha and two from Rajya Sabha, who shall be nominated by the Presiding Officers of the respective Houses; and
- (h) one member who shall be an eminent economist, to be nominated by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members, other than *ex-officio* members, of the Board, shall be such as may be prescribed by the Central Government.

(4) The Central Government shall provide to the Board such number of officers and other employees as it thinks fit for the efficient functioning of the Board.

Functions of  
the Board.

**4.** The Board shall—

- (i) maintain the record of such persons who have retired from employment from unorganized or private sector and who have attained age of sixty years and not getting the minimum pension under this Act;
- (ii) pay such pensioners who are getting less than rupees five thousand as monthly pension, the difference of the amount in such manner as may be prescribed;
- (iii) lay down such guidelines as it may deem fit with regard to payment of minimum pension;
- (iv) administer the Fund; and
- (v) perform such other functions with regard to the pensioners as may be assigned to it by the Central Government.

- 5.** Notwithstanding anything contained in any other law for the time being in force, the minimum pension of a person who has served in any office or undertaking or authority or establishment under the control of the Central Government shall be rupees five thousand per month. Fixation of minimum monthly pension.
- 6.** (1) The Central Government shall constitute a Fund to be known as the National Pension Fund with a corpus of rupees fifty thousand crore. National Pension Fund.
- (2) The Central Government, the State Governments and the employers in the unorganized and private sector shall contribute to the Fund in such ratio as may be prescribed.
- (3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organisations or otherwise shall also be credited to the Fund.
- 7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, release the necessary funds to the National Pension Board for the effective implementation of the provisions of this Act. Release of Funds.
- 8.** The Central Government shall cause to be placed before both Houses of Parliament an annual report giving full account of the activities and performance of the Board. Annual Report to be placed before Parliament.
- 9.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The condition of a large number of pensioners in India is miserable, sad and frustrating. They deserve a more decent treatment from the society particularly because they served the society once.

It is, therefore, the responsibility of the society to treat them with respect and try to solve their problems to the extent possible.

This Bill seeks to provide for payment of minimum pension to every pensioner including those who have worked in unorganised sector and private sector. Since the provision of payment of minimum pension is also being extended to persons who have worked in unorganized sector and private sector, it will provide social security for a substantial chunk of the population. Though it would not solve all the problems of the pensioners, it would provide them some kind of relief. It would also give them a sense of satisfaction that their problem got a sympathetic consideration.

Hence this Bill.

NEW DELHI;  
*June 5, 2014.*

NISHIKANT DUBEY

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Pension Board. Clause 4 provides that the Board shall ensure that every pensioner is paid a minimum pension under the provisions of the Act. Clause 6 provides for constitution of a National Pension Fund. Clause 7 provides for release of funds to the National Pension Board by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees thirty thousand crore will be involved per annum.

A non-recurring expenditure of rupees fifty thousand crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 16 OF 2014

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Amendment) Act, 2014.

Short title.

**2.** After article 16 of the Constitution, the following article shall be inserted, namely:—Insertion of new  
article 16A.

Reservation  
for  
economically  
weaker section  
of the society  
in posts and  
services.

'16A. (1) Notwithstanding anything contained in this Part, the State may make provision for reservation in favour of persons belonging to economically weaker section of the society in posts and services under the State:

Provided that the percentage of reservation shall not exceed fifteen per cent.

(2) The provisions of clause (1) shall have effect notwithstanding anything contained to the contrary in any judgement, decree, direction or order of any Court of Law or Tribunal or Authority having judicial powers.

*Explanation.*—For the purpose of this article, "person belonging to economically weaker section of the society" means a person whose income from all sources is below rupees sixty thousand per annum but does not include a person belonging to the Scheduled Castes, the Scheduled Tribes or other socially and educationally backward classes.'

Insertion of  
new article  
29A.

3. After article 29 of the Constitution, the following article shall be inserted, namely:—

Reservation  
for  
economically  
weaker section  
of the society  
in educational  
institutions.

'29A. (1) Notwithstanding anything contained in this Part, the State may make provision for reservation in admission in favour of persons belonging to economically weaker section of the society in educational institutions under the State:

Provided that the percentage of reservation shall not exceed fifteen per cent.

(2) The provisions of clause (1) shall have effect notwithstanding anything contained to the contrary in any judgement, decree, direction or order of any Court of Law or Tribunal or Authority having judicial powers.

*Explanation.*—For the purpose of this article, "person belonging to economically weaker section of the society" means a person whose income from all sources is below rupees sixty thousand per annum but does not include a person belonging to the Scheduled Castes, the Scheduled Tribes or other socially and educationally backward classes.'



## STATEMENT OF OBJECTS AND REASONS

The persons belonging to the economically weaker section are not getting benefit of any reservation scheme. The poor amongst them are becoming poorer day by day. They cannot compete with the others. It is, therefore, necessary to provide reservation in favour of those economically weaker section of the society in posts and services and in all educational institutions under the State.

The Bill seeks to amend the Constitution with a view to providing reservation for economically weaker section of the society without affecting the rights of the Scheduled Castes, the Scheduled Tribes and Other Backward Classes.

Hence this Bill.

NEW DELHI;  
*June 5, 2014.*

NISHIKANT DUBEY

## BILL NO. 18 OF 2014

*A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2014. Short title,

C.O. 22 **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XXII. - Amendment of the Schedule.

*Jharkhand,—*

(i) after entry 5, the following entry shall be inserted,—

"5A. Bhuian Ghatwal";

(ii) after entry 10, the following entry shall be inserted,—

"10A. Ghatwar";

(iii) after entry 13, the following entry shall be inserted,—

"13A. Kadar";

(iv) after entry 16, the following entry shall be inserted,—

"16A. Khetori"; and

(v) after entry 26, the following entry shall be inserted,—

"26A. Pariyar".

## STATEMENT OF OBJECTS AND REASONS

Jharkhand is predominantly a tribal State. It was on account of its tribal identity that the movement for its creation became a success. There are a large number of tribal people known as Bhuian Ghatwal, Ghatwar, Kadar, Khetori and Pariyar who are living in the State but have not been included in the list of Scheduled Tribes of the State of Jharkhand.

As a result, the people belonging to the above tribes are not getting any benefit, which are otherwise available to the Scheduled Tribes in the State. Their living condition is becoming miserable day-by-day and there is an immediate need for their socio-economic upliftment. Even though, these groups have all the pre-requisites for inclusion in the list of Scheduled Tribes, they have not yet been included in the list of Scheduled Tribes. As a matter of fact, these tribes were being accorded the status of Scheduled Tribes till the year 1935 but it was subsequently withdrawn for unknown reasons. The people belonging to the aforesaid tribal groups are living in all parts of the State and their total population is approximately ten lakh. However, their concentration is maximum in the district of Santhal Pargana particularly in Mehgama, Porraiya Haat and Jarmundi areas.

Therefore, these tribal groups, namely, 'Bhuian Ghatwal', 'Ghatwar', 'Kadar', 'Khetori' and 'Pariyar' deserve to be included in the list of Scheduled Tribes in respect of the State of Jharkhand.

Hence this Bill.

NEW DELHI;  
*June 5, 2014.*

NISHIKANT DUBEY

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Khetori, Bhuian Ghatwal, Pariyar, Ghatwar and Kadar tribes in the list of Scheduled Tribes in respect of the State of Jharkhand. The Bill, therefore, if enacted, would involve additional recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to these tribes under the ongoing Central Schemes meant for development of the Scheduled Tribes.

At this stage, it is not possible to give the exact amount to be incurred on this account. However, the expenditure, whether recurring or non-recurring, will be met out of the Consolidated Fund of India. It is expected that a recurring expenditure of about rupees fifty crore will be involved annually.

No non-recurring expenditure is likely to be involved.

## BILL NO. 19 OF 2014

*A Bill to amend the Bihar Reorganisation Act, 2000.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Bihar Reorganisation (Amendment) Act, 2014.Short title and  
commencement.

(2) It shall be deemed to have come into force from the Twenty-fifth day of August, 2000.

30 of 2000.

**2.** In the Eighth Schedule to the Bihar Reorganisation Act, 2000, in paragraph 4, for the words “in the ratio of number of employees of each successor State”, the words “in the ratio of population of each successor State” shall be substituted.Amendment of  
the Eighth  
Schedule.

## STATEMENT OF OBJECTS AND REASONS

The Eighth Schedule to the Bihar Reorganisation Act, 2000 deals with apportionment of pension between two successor States of Bihar and Jharkhand. It provides for apportionment of pension liability in the ratio of number of employees. However, this provision is causing loss to the exchequer of the Government of Jharkhand. It may be pointed out that the reorganisation of Madhya Pradesh and Uttar Pradesh happened in the same year 2000 along with the reorganisation of the State of Bihar. In the case of reorganisation of the erstwhile States of Madhya Pradesh and Uttar Pradesh, the basis for apportionment of pension liability of successor States was the ratio of population. However, in the case of reorganisation of the erstwhile State of Bihar, the apportionment of pension liability of successor States was not provided on the basis of ratio of population.

While the formula of population ratio has been adopted in the case of all new States created ever since 1956, it is not clear why a deviation was made only in case of successor State of Jharkhand, which was a nascent State trying to get on its feet after years of backwardness and neglect. This provision has put an extra annual burden of nearly two thousand two hundred crore rupees, which the State has been paying over the last ten years. The proposed amendment to the Eighth Schedule aims to provide that the pension liability, which is presently being calculated on the basis of ratio of number of employees, will be calculated on the basis of ratio of population, with retrospective effect, *i.e.*, from 15 November, 2000, the date of notification of the Bihar Reorganisation Act, 2000 so that the State of Jharkhand is able to recoup the losses it had suffered unjustifiably.

Hence this Bill.

NEW DELHI;  
June 5, 2014.

NISHIKANT DUBEY

## BILL NO. 20 OF 2014

*A Bill to provide for the establishment of a Commission for ensuring minimum support prices to farmers for their agricultural produce and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the National Commission for Agricultural Costs and Prices Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.



2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "agricultural produce" includes paddy, wheat, sugarcane, millet, barley, *ragi*, *madwa*, cotton, maize, soyabean, rapeseed, mustard, peanut, coconut, sunflower, groundnut, safflower, sesamum, niger seed, gram, *tur*, *urad*, *moong*, *masoor* (lentil), peas, jute, cashew nut, pepper, turmeric, tobacco, potato, tomato, onion, mango, apple, orange, *kinnoo*, *mousambi* and other such foodgrain or commodity as may be prescribed;

(ii) "Commission" means the National Commission for Agricultural Costs and Prices constituted under section 3;

(iii) "cost of cultivation " includes operating cost plus imputed value of labour including family, market based rental value of land, interest on both working and fixed capital, transportation cost, marketing cost and insurance premium; and

(iv) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months of the commencement of this Act, by notification in the Official Gazette, constitute a Commission to be known as the National Commission for Agricultural Costs and Prices.

Constitution of the National Commission for Agricultural Costs and Prices.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

4. (1) The Commission shall consist of—

Composition of the Commission.

(i) (a) a Chairperson; and

(b) a Vice-Chairperson,

to be appointed, from amongst persons of eminence having special knowledge in the field of agricultural economics, by the Central Government;

(ii) three members of Parliament, of whom two shall be from Lok Sabha and one from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(iii) one member from each State having practical experience in the field of agriculture with compulsory agricultural and rural background to be nominated with designation "State Advisor" by the Central Government in consultation with the respective State Governments;

(iv) one member each representing the Union Ministries of Agriculture, Consumer Affairs, Food and Public Distribution and Food Processing Industries;

(v) one member representing the Indian Council of Agricultural Research; and

(vi) two members representing farmers to be appointed by the Central Government in such manner as may be prescribed.

(2) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson, Vice-Chairperson and members of the Commission, shall be such as may be prescribed.

(3) The head office of the Commission shall be at New Delhi.

(4) The Central Government shall provide such number of officers and staff to the Commission as may be required for its efficient functioning.

(5) The salary and allowances payable to, and other terms and conditions of the service of the officers and staff of the Commission, shall be such as may be prescribed.

Functions of  
the Commi-  
ssion.

**5. (1)** The Commission shall perform the following functions:—

(a) fix and declare the minimum support price of agricultural produce on the basis of cost of cultivation and announce the same well in advance of the sowing season:

Provided that minimum support price of an agricultural produce may vary for different States depending upon the cost of production in each State;

(b) ensure that the farmers get the minimum support prices fixed by the Commission for their agricultural produce;

(c) recommend to the Central Government measures for raising the standard of farming in the country, especially raising farm productivity and farm profitability;

(d) ensure that the prices of the agricultural produce do not fall below the minimum support price fixed by the Commission due to undesirable activities of traders and middlemen after the post-harvest period; and

(e) give wide publicity to the minimum support prices of the agricultural produce fixed by it.

(2) The Commission shall, while discharging its functions, consult State Governments and such other agencies as it thinks fit, which are responsible for procurement, supply, distribution, trade and other activities in relation to agricultural produce so as to ensure payment of minimum support prices to the farmers.

Commission  
to have  
offices in  
State capitals.

**6. (1)** The Commission shall set up its zonal office in the capital of each State to be headed by the State Advisor who shall be assisted by such number of persons, as may be prescribed.

(2) The zonal offices shall study the farming environment prevailing in the respective States, and present a report to the Commission before the beginning of each sowing season giving such details, including agricultural productivity, as may be prescribed.

Central  
Government  
to implement  
the minimum  
support  
prices.

**7.** The Central Government shall ensure implementation of the minimum support prices fixed by the Commission.

Compulsory  
purchasing of  
agricultural  
produce by  
the Central  
and the State  
Governments.

**8.** Where a farmer fails to sell his agricultural produce in the open market at the minimum support price fixed by the Commission, the Central Government and the State Government shall purchase the agricultural produce from the farmer at the price fixed by the Commission.

Central  
Government  
to provide  
funds.

**9.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Commission for carrying out the purposes of this Act.

Power of the  
Central  
Government  
to remove  
difficulties.

**10.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

Act to have  
overriding  
effect.

**11.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

**12. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The share of agriculture in Gross Domestic Product (GDP) of the country is constantly falling every year since independence. As per the advanced estimates of National Income for the year 2012-13, agriculture and its allied sectors contributed 13.7 per cent. to the Gross Domestic Product. In 1950, the share of agriculture in GDP was 51 per cent. and by the year 2011-12, it came down to a mere 14.1 per cent. and that too without any substantial decrease in the number of the people dependent on it. Still more than sixty per cent. of our population is directly dependent on agriculture. It is shocking that the policy makers, the leaders, the bureaucracy, etc. are apathetic to the fact that more than three lakh farmers have committed suicide across the country during the last thirteen years.

There are several reasons behind the sorry state of agriculture in the country, but one of the major reasons is non-availability of remunerative prices of agricultural produce. In the circumstances, middlemen, hoarders, money lenders, etc. are exploiting the farmers. The Commission for Agricultural Costs and Prices (CACP) under the Ministry of Agriculture fixes the Minimum Support Price (MSP) of a few agricultural commodities. However, this Commission has no statutory backing and it often happens that the MSP determined by the CACP is not remunerative for farmers. Perhaps it would not be incorrect to say that the CACP has failed in its duty to provide remunerative prices to farmers. There is no proper mechanism to calculate the cost of production of agricultural produce and, therefore, the MSP announced by the CACP is far below the cost incurred by the farmers to raise their crops. Therefore, it is felt that if a fully autonomous statutory commission is established to fix the minimum support prices of the agricultural produce with certain guidelines, it will go a long way in mitigating the miseries of the farmers of the country.

NEW DELHI;  
*June 9, 2014.*

JAYSHREEBEN K. PATEL

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Commission for Agricultural Costs and Prices. Clause 4 provides for composition and salary and allowances of the Chairperson, Vice-Chairperson and other members of the Commission. Clause 5 provides, *inter alia*, for giving wide publicity to minimum support price of the agricultural produce by the Commission. Clause 6 provides for establishment of zonal offices in the capital of each State. Clause 8 provides for compulsory purchasing of agricultural produce by the Central and the State Governments. Clause 9 provides for payment of adequate funds to the Commission for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees two hundred crore would be involved per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 21 OF 2014

*A Bill to provide for prohibition of human trafficking of Indian citizens to foreign countries and welfare of Indian citizens employed abroad and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Prohibition of Human Trafficking of Indian Citizens Abroad and Welfare of Overseas Indians Act, 2014.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,—

(a) “Fund” means the Overseas Indians Welfare Fund constituted under section 5;

(b) “human trafficking” means an act of recruiting, transporting, transferring, harbouring or receiving a person through use of force, coercion, fraud or any other means for the purpose of exploitation including sexual exploitation or engaging him as a forced labour in a foreign country; and

(c) “Overseas Indian” means an Indian citizen who is employed outside India by a person who is not an Indian citizen or any company or any enterprise or any vessel which is not registered in the territory of India but does not include Indian citizens working in organs or agencies of the United Nations Organisation.

Offence of human trafficking.

**3.** Any person who commits or attempts to commit or abets an act of human trafficking shall be guilty of committing an offence of human trafficking under this Act.

Duties of the Central Government.

**4.** The Central Government shall

(i) take such measures as it may deem necessary including entering into bilateral agreements to generate international co-operation to check human trafficking of Indian citizens; and

(ii) enter into social security agreements with other countries for ensuring protection and welfare of Indian citizens working overseas.

Overseas Indians Welfare Fund.

**5.** (1) The Central Government shall constitute a Fund to be known as the Overseas Indians Welfare Fund.

(2) The Fund shall be utilized for the following purposes, namely:—

(a) welfare of persons who become victims of human trafficking;

(b) boarding and lodging facilities for distressed overseas Indians;

(c) meeting expenditure on airlifting of mortal remains of deceased overseas Indians to India or for cremation/burial of such persons if the employer is unable or unwilling to do so and the family is unable to meet the cost;

(d) emergency medical care to overseas Indians in need; and

(e) legal assistance to overseas Indians in deserving cases.

Central Government to provide funds.

**6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, credit such sums of money to the Fund as it may think fit for carrying out the purposes of this Act.

Punishment for human trafficking.

**7.** Whoever commits the offence of human trafficking shall be punished with imprisonment for a term which shall not be less than seven years but may extend to life imprisonment and also with fine which may extend to rupees five lakh.

Compulsory registration of recruiting agencies.

**8.** Every person or agency engaged in recruitment or placement of Indian citizens for employment with foreign nationals or in companies outside the country shall get itself registered with such authority, as may be designated by the Central Government for this purpose.

Punishment for contravention of section 8.

**9.** Whoever contravenes the provisions of section 8 shall be punished with imprisonment for a term which may extend to seven years or with fine which may extend to rupees five lakh or with both.

Act to have overriding effect.

**10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.



**11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Human trafficking is a crime against humanity. It involves an act of recruiting, transporting, harbouring or receiving a person through use of force, coercion or such other means for the purpose of exploiting them. Every year, thousands of men, women and children become victims of human trafficking. The demand for workers abroad are steadily increasing. Many workers migrate illegally every year as the procedure for legal migration is very cumbersome and expensive. The allurements of good life abroad often lead people to fall into the booby trap of human traffickers.

Indian workers who migrate legally also face many problems like non-payment or delay in payment of wages, harsh working and inhuman living conditions, retention of passport by owners, cheating by intermediaries, incidents of physical abuse and sexual exploitation, etc. In most of the countries access to legal recourse is denied to such workers. Moreover, in some countries legal recourse is so expensive that in most cases employees are not able to afford such options.

United Nations convention against Transnational Organized Crime (UNTOC) and the protocols thereto, assists States to implement the protocol to prevent, suppress and punish trafficking. The protocol requires States to implement the provisions of the protocol by amending their respective domestic laws. In India, trafficking of human beings are taking place in the guise of recruitment agencies. Therefore, it is an urgent necessity to bring the present legislation.

The Bill, accordingly, seeks to provide, *inter alia*, for—

- (i) making human trafficking a punishable offence;
- (ii) setting up of an Overseas Indians Welfare Fund; and
- (iii) compulsory registration of recruitment agencies, etc. and to provide for punishment to those agencies who carry out the business of recruiting persons for overseas employment without registration.

NEW DELHI;  
June 9, 2014.

JAYSHREEBEN K. PATEL

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for setting up of an Overseas Indians Welfare Fund. It further provides for welfare measures for overseas Indians who are victims of human trafficking. Clause 6 provides that the Central Government shall credit such sums of money to the fund as it may think fit for carrying out the purposes of the Bill. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore is likely to involve from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL NO. 25 OF 2014**

*A Bill to provide for certain welfare measures for the small and marginal farmers of the country and for the constitution of a welfare fund for their benefits and for matters connected therewith and incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Small and Marginal Farmers (Welfare) Act, 2014.

(2) It extends to the whole of India.

Short title and  
extent.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “accident” means an accident caused to a farmer during the course of an agricultural operation by any agricultural machinery and includes an injury due to fall from such machinery, tree or into a well or electric shock, snake bite or attack by any wild or domesticated animal;

(b) “agricultural operation” includes any work relating to agriculture, horticulture, sericulture, rearing of sheep, goat, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) “Commissioner” means a Commissioner appointed under section 7;

(d) “Fund” means Small and Marginal Farmers’ Welfare Fund constituted under section 4;

(e) “marginal farmer” means any person who owns agricultural land the size of which is not more than two and a half acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system;

(f) “partial disability” means such disability which reduces the working capacity of a farmer temporarily of which he was capable of before the occurrence of that accident;

(g) “permanent disability” means any disability which fully incapacitates a farmer for all agricultural and other works of which he was capable of prior to the occurrence of that accident;

(h) “prescribed” means prescribed by rules made under this Act; and

(i) “small farmer” means any person who owns agricultural land not exceeding five acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system.

Central Government to formulate a welfare policy for the small and marginal farmers.

3. The Central Government shall, as soon as may be but not later than one year from the commencement of this Act, formulate, in consultation with the State Governments, a comprehensive welfare policy for the small and marginal farmers and implement it in such manner as may be prescribed.

Constitution of Small and Marginal Farmers’ Welfare Fund.

4. (1) The Central Government shall, for the purpose of this Act, constitute a Fund to be known as the Small and Marginal Farmers’ Welfare Fund.

(2) The initial corpus of the Fund shall be rupees five hundred crore of which rupees two hundred and fifty crore shall be provided by the Central Government, after due appropriation made by Parliament by law in this behalf, and rupees two hundred and fifty crore shall be provided by the State Governments in such manner as may be prescribed.

(3) The Central Government and the State Governments shall contribute every year to the Fund in such ratio as may be prescribed.

(4) There shall also be credited to the Fund any grants or donation that may be made by any person or institution.

(5) The Fund shall be administered by the Central Government in such manner as may be prescribed.

(6) The Central Government may constitute such Regional Funds as it may consider necessary for the efficient administration of this Act.

(7) Every compensation payable under this Act shall be paid out of the Fund in such manner as may be prescribed.

- 5.** (1) If any injury is caused to a small or marginal farmer due to an accident during the course of agricultural operation, such farmer shall be entitled to and receive compensation out of the Fund. Compensation in case of accident.
- (2) The amount of compensation payable under sub-section (1), for injury resulting in total or partial disability, shall be such as may be specified by the Central Government from time to time, by notification in the Official Gazette, Subject to its being not less than fifty thousand rupees in case of partial disability and one lakh rupees in case of permanent disability or death.
- (3) The compensation payable under this Act in case of death shall be paid to the spouse of deceased farmer or to the children or to his legal heir:
- Provided that in case the deceased was unmarried, the compensation shall be paid to his parents.
- 6.** Every person who is eligible to seek compensation under this Act shall apply to the Commissioner in form giving such details as may be prescribed therein: Procedure for claiming of compensation.
- Provided that the application form shall be in the regional language and in case the applicant is illiterate, the Commissioner shall cause the form of the applicant duly filled in.
- 7.** (1) The Central Government shall, by notification in the Official Gazette, appoint such number of Commissioners as it deems necessary to entertain and dispose of the applications for claims for payment of compensation. Appointment of Commissioners.
- (2) On receipt of an application, the Commissioner shall cause such enquiry into the claim as he may deem fit and if it is found that the death or injury was caused to the farmer because of an accident, he shall decide the amount of compensation to be paid to the claimant and shall record in writing reasons for coming to such a decision: Procedure to be adopted by the Commissioner.
- Provided that the Commissioner shall finalise the payment and release the amount within thirty days of filing of an application for claim.
- 8.** Notwithstanding anything contained in any other law for the time being in force, no Civil Court shall have jurisdiction to settle, decide or deal with any decision made by a Commissioner or to enforce any liability incurred under this Act. Bar to jurisdiction of Civil Courts.
- 9.** An appeal shall lie to the High Court concerned if the appeal is made within three months of the decision by the Commissioner. Appeal.
- 10.** The Central Government shall provide such financial assistance to the State Governments as may be necessary, for the purposes of this Act. Central Government to provide financial assistance to State Governments.
- 11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. Power to make rules.
- (2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

There are millions of small and marginal farmers in the country. They are very poor but their contribution towards agriculture sector is second to none. While pursuing agricultural operations, they receive injuries quite often leading to partial or permanent disability and in many cases they also die leaving behind their families. It is a matter of concern that while social security schemes have been extended to organised working classes, the small and marginal farmers remain uncovered by such schemes. As a result, whenever a farmer meets with a serious accident and receives serious injury or succumbs to such injury, he and, in his absence, his family members suffer tremendous hardships. The family of such a farmer is, in fact, ruined. There is no social security net for such farmers. Now Government gives compensation of few thousand rupees to the victims but that is very meagre amount.

It is, therefore, necessary in national interest that small and marginal farmers are provided with some sort of social security in form of compensation on the occurrence of accidents during the course of agricultural operations. Hence, it is proposed to constitute a Fund for the welfare of small and marginal farmers.

Hence this Bill.

NEW DELHI;  
*June 11, 2014.*

SHARAD TRIPATHI



## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Small and Marginal Farmers Welfare Fund. Clause 7 provides for the appointment of Commissioners for payment of compensation to farmers. Clause 10 provides that the Central Government shall place necessary funds at the disposal of State Governments for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that about rupees one thousand crore is likely to be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 26 OF 2014

*A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “beggar” means a person who indulges in begging;

Short title,  
extent and  
commence-  
ment.

Definitions.

(c) “begging” means—

(i) soliciting or receiving alms in a public place including railways, bus stops, road sides or any other place where public has access;

(ii) exposing or exhibiting any wound, deformity or disease of self or of any other person or of an animal for the purpose of soliciting or collecting alms;

(iii) allowing one self to be used as an exhibit for the purpose of soliciting or collecting alms;

but does not include—

(i) soliciting or receiving money or food or gift by executing an act of art or music or dance or acrobatics or painting at any public place; and

(ii) soliciting or receiving money or food or any offering in connection with any religious practice or a custom involved in any religion;

(d) “child” means a boy or a girl who has not attained the age of eighteen years;

(e) “children’s home” means a children’s home established under the Juvenile Justice (Care and Protection of Children) Act, 2000;

56 of 2000.

(f) “prescribed” means prescribed by rules made under this Act; and

(g) “receiving centre” means a centre established under section 5.

Abolition of begging.

**3.** Begging by any person in any manner is hereby abolished.

Punishment for forcing or encouraging any person for begging.

**4.** Whoever forces or encourages any person, including a child in his care, custody or charge, for begging shall be punished with rigorous imprisonment for a term which shall not be less than ten years.

Arrested beggars to be sent to receiving centres.

**5. (1)** Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police station shall satisfy himself as to the *bona fide* of the arrested beggar.

(2) Any person, other than a child, arrested on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the appropriate Government, wherein such person shall be provided with facilities for his rehabilitation.

*Explanation.*—For the purpose of this section, facilities for rehabilitation includes medical care, sustenance and training in agricultural or industrial or other pursuits aiming at providing gainful employment to the beggars.

(3) Any child arrested on the ground of begging shall be sent to a children’s home.

(4) Every child sent to a children’s home shall be provided with food, medical care and education free of cost.

Constitution of Beggars’ Welfare Fund.

**6. (1)** The Central Government shall constitute a Fund to be known as the Beggars’ Welfare Fund for the welfare of the beggars.

(2) Every beggar shall be provided with such financial assistance in such manner as may be prescribed, out of the Fund, for self-employment.

Formulation of schemes, plans for beggars.

**7. (1)** The appropriate Government shall, for the purpose of providing employment opportunities to beggars, formulate such schemes, work out such plans, including plans for provision of education, and create such suitable infrastructure in every district, as it considers appropriate.

(2) The appropriate Government shall set up destitute homes in every district for providing food, shelter and protection to the old, infirm, helpless and destitute persons to ensure that they do not indulge in begging.

**8.** (1) Any person who maims himself or other persons for the purpose of soliciting or collecting alms shall be punished with rigorous imprisonment for a term which may extend to ten years. Punishment for maiming.

(2) Where a person maims any child or woman or any person who is above the age of sixty years for the purpose of soliciting or collecting alms shall be punished with imprisonment for a term which shall not be less than ten years.

**9.** Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable. Offence to be cognizable and non-bailable.

**10.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

Despite welfare measures taken by the Central and the State Governments, the menace of begging continues unabated all over the country, especially in the metropolitan cities and urban areas.

Drives launched by the State Governments and Union territory Administrations and anti-begging legislations enacted by various State Legislatures to curb this menace have failed to achieve the desired results. Today the menace of begging has assumed criminal proportions.

Thus, a legal framework has to be created at the national level to tackle the menace of begging and also to create an environment in the society wherein a life of dignity is assured to persons indulged in begging.

Hence this Bill.

NEW DELHI;  
*June 11, 2014.*

SHARAD TRIPATHI

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of “Receiving Centres” by the appropriate Government. Clause 6 provides for constitution of the Beggars’ Welfare Fund by the Central Government. Clause 7 provides for formulation of schemes and providing suitable infrastructure in every receiving centre or destitute home established in every district for the purpose of creating employment opportunities for beggars. The Central Government would have to incur expenditure from the Consolidated Fund of India for the establishment of receiving centres, destitute homes and creating suitable infrastructure in such centres or homes in respect of Union territories. As far as the establishment of Receiving Centres, destitute homes and providing infrastructure in such centres and homes in the States is concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



## BILL NO. 27 OF 2014

*A Bill further to amend the Information Technology Act, 2000.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Information Technology (Amendment) Act, 2014.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

21 of 2000.

**2.** In section 2 of the Information Technology Act, 2000 (hereinafter referred to as the principal Act)—

Amendment of  
section 2.

(i) clause (ha) shall be re-numbered as clause (hb) and before clause (hb) as so re-numbered, the following clause shall be inserted, namely:—

'(ha) "commercial electronic message" means an electronic message the

primary purpose of which is to market or promote a product or a service or a business or an investment opportunity;';

(ii) after clause (s), the following clause shall be inserted, namely:—

'(sa) "electronic message" means a message or an information created, transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, images, audio, video or any other electronic record, which may be transmitted with the message;'; and

(iii) after clause (zg), the following clause shall be inserted, namely:—

'(zga) "unsolicited commercial electronic message" means a commercial electronic message that is sent to the addressee or the recipient without his/her consent;'.  
'

Substitution of  
new section for  
section 66A.

3. For section 66A of the principal Act, the following section shall be substituted, namely:—

Punishment  
for sending  
unsolicited  
commercial  
electronic  
messages, etc.

"66A. Any person who sends, by means of a computer resource or a communication device,—

(a) any unsolicited commercial electronic message;

(b) any commercial electronic message in which the identity of the originator or the person on whose behalf the message is sent has been disguised or concealed; or

(c) any commercial electronic message which cannot be unsubscribed or replied to by the addressee or the recipient due to the absence of a valid electronic address or otherwise,

shall be punished with fine which may extend to rupees one crore."

## STATEMENT OF OBJECTS AND REASONS

There has been phenomenal growth in the use of internet for exchange of information, ideas and opinions. Since easy accessibility to internet has empowered the citizens with information and knowledge, it is extremely important that the rights of our citizens to express themselves freely over the internet be zealously protected. However, law enforcing agencies have, on several occasions, misused the law to subvert these rights.

Part of the problem is the law itself, which has been drafted in a broad manner that leaves wide scope for misinterpretation and abuse. Section 66A of the Information Technology Act, 2000, in particular, has come under severe criticism from various quarters. Clause (a) of the section 66A uses expressions such as 'grossly offensive' and 'menacing', which are not only vague but also highly subjective by individual standards. Clause (b) prescribes penalties for offences such as 'annoyance', 'criminal intimidation', 'insult' and promoting 'hatred' or 'ill-will' between groups. Prescribing the same punishment for 'annoyance' as well as 'criminal intimidation' by bundling disparate terms within the same clause is bound to lead to confusion and misuse. Moreover, most of these offences are already covered under various sections of the Indian Penal Code, 1860. As a result, offenders often get booked under both the statutes for the same offence. Clause (c) of that section is meant to be an anti-spam provision but does not do justice to the requirement of either the users or the industry.

What is more, in some cases, penalties for the same offences are higher in the Information Technology Act as compared to those in the Indian Penal Code. Thus, if an offence is committed through an electronic medium such as the internet, it would attract a higher penalty than otherwise. For instance, threatening someone with injury to their reputation through email attracts a penalty of three years' imprisonment under the Information Technology Act, while the same offence when committed verbally attracts a penalty of two years' imprisonment under the Indian Penal Code (sections 503 and 506). This is inconsistent and unjustified.

The significance of this change goes beyond the increase in penalty. Under the Code of Criminal Procedure, 1973, offences punishable with a jail term of three years or more are 'cognizable' where a police officer can arrest the offender without a warrant. This leaves more discretion to the police officer and makes the section liable to be misused.

Our Constitution accords high importance and sanctity to the freedom of speech and expression. Article 19(1) of the Constitution provides our people the freedom to freely express their opinion while article 19(2) empowers the legislatures to impose reasonable restrictions on this freedom. Reasonable restrictions can only be imposed in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence. No other grounds have been provided.

Our Supreme Court has upheld that restrictions on freedom of speech and expression should be narrowly and specifically defined. It is pertinent to note that some other democracies use the principle of incitement to violence with clear and present danger as the defining guideline for such restrictions.

Given that section 66A of the Information Technology Act is broadly defined and open to varied interpretation by the enforcers, it ceases to be 'reasonable'. The present law needs to be amended in order to narrowly delineate the contours of situations under which free speech on the internet may be restricted. Any attempt to provide our people an atmosphere conducive to healthy debate and deliberation, will have to begin with an amendment of this Act, which strikes at the very root of our democratic values.

Therefore, clauses (a) and (b) of section 66A must be omitted and clause (c) must be reworded to provide for a potent anti-spam provision. Several countries, such as USA, UK, Canada and Singapore already have a comprehensive anti-spam legislation in place. In India, despite demands from various quarters, the Information Technology Act has so far not adequately addressed the issue of spam.

Hence this Bill.

NEW DELHI;  
*June 11, 2014.*

BAIJAYANT PANDA

## BILL NO. 50 OF 2014

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2014.Short title and  
commence-  
ment.

(2) It shall come into force at once.

45 of 1860.

**2.** In section 364A of the Indian Penal Code, 1860 (hereinafter referred to as the Code), the words "or death", shall be omitted.Amendment of  
section 364A.

Insertion of  
new section  
364B.

**3.** After section 364A of the Code, the following section shall be inserted, namely:—

Punishment  
for kidnapping  
and causing  
death.

"364B. Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and causes death of such person due to any reason, shall be punished with death."

Amendment  
of section  
376A.

**4.** In section 376A of the Code, the words "causes death of the woman or" shall be omitted.

Insertion of  
new section  
376AA.

**5.** After section 376A of the Code, the following section shall be inserted, namely:—

Punishment  
for causing  
death of rape  
victim.

"376AA. Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 and in the course of such commission causes the death of the woman, shall be punished with death."

## STATEMENT OF OBJECTS AND REASONS

There has been an alarming rise in the rate of crimes against women in recent times. Incidents of kidnapping, abduction, rape, gang-rape and murder of women have become a routine affair across the country. Not a single day passes when heinous crimes against women are not reported from cities and villages. It appears that there is no safety for women of any age group unless they are protected by their bodyguards. However, such privileges are available only to the women of rich and highly placed families.

The recent case of brutal gang-rape and murder of two teenage girls at Badaun in the State of Uttar Pradesh has not only shocked the conscience of the whole country but has also caused outrage across the world. It has adversely affected the country's image at the international level. The United Nations has strongly condemned such gruesome crime against women and called for stern action against the culprits.

It may not be out of place to mention that most of the victims of kidnapping and sexual violence are dalit women. According to National Crime Records Bureau, more than four dalit women are raped every day across the country. But in reality the situation may be far worse than what the statistics show as majority of the cases go unreported. Most of the cases are not even registered. Therefore, the number of cases reported does not reflect the actual number of cases of sexual violence, abduction and murder of women which are widespread both in rural and urban areas of the country.

Similarly, there has been an alarming rise in the case of kidnapping and murder of children in the country.

Therefore, it is high time that a stringent law, which may act as a deterrent for such perverted acts of violence is brought forward by amending the Indian Penal Code, 1860.

Hence this Bill.

NEW DELHI;  
*June 12, 2014.*

ARJUN MEGHWAL

## BILL NO. 28 OF 2014

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment ) Act, 2014.Amendment  
of the Eighth  
Schedule.**2.** In the Eighth Schedule to the Constitution, existing entries 17 to 22 shall be re-numbered as entries 18 to 23, respectively, and before entry 18 as so re-numbered, the following entry shall be inserted, namely:—

"17. Rajasthani."



## STATEMENT OF OBJECTS AND REASONS

Rajasthani is a language or language cluster of the Indo-Aryan languages family. Rajasthani language is a very old and rich language spoken widely in many parts of the country especially in the States of Rajasthan, Madhya Pradesh, Haryana, Gujarat, Punjab and in some adjacent bordering areas of Pakistan. As per census of India-2001, around thirty-six million people speak this language in the State of Rajasthan alone. If we take into consideration the number of speakers of this language all over the world including the State of Rajasthan, the number of 'Rajasthani' speakers may touch the eighty million mark worldwide. The language has its own history, literature and eminent scholars. This language is taught in many Schools, Colleges and Universities. Apart from this, Rajasthani 'Lok-Geet' has its own importance and is famous all over the world.

Rajasthani language has achieved its own importance through the various efforts made by the scholars. In 1908, a scholar George Abraham Grierson first gave the name 'Rajasthani' to this language, which was earlier known through its various dialects.

Because of the efforts of various scholars, today, the Sahitya Akademi which is India's national academy of letters and the University Grants Commission has recognized it as a distinct language. It is also taught in the University of Jodhpur and Udaipur. The Board of Secondary Education, Rajasthan has included 'Rajasthani' as an optional subject since 1973. Since 1947, several movements have also been going on in Rajasthan to give this language the recognition it deserves. However, unfortunately, this rich language has not yet got due recognition.

Thus, considering the above facts, it is proposed in the Bill that the Rajasthani language be included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;  
*June 12, 2014.*

ARJUN MEGHWAL

## BILL NO. 29 OF 2014

*A Bill further to amend the Chit Funds Act, 1982.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Chit Funds (Amendment) Act, 2014.Amendment of  
section 4.**2.** In section 4 of the Chit Funds Act, 1982, in sub-section (1), in the proviso,—

40 of 1982.

(i) for the words "within twelve months", the words "within three months" shall be substituted; and

(ii) for the words "six months", the words "three months" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Chit Funds frauds have become order of the day. There is an immediate need to check the increasing numbers of chit funds frauds in order to save the hard earned money invested in such chit funds by the common man.

At present chit funds can be floated without prior approval of the State Government concerned. As per section 4 of the Chit Funds Act, 1982, a chit fund is required to get registered within a period of twelve months from the date of its sanction or within such further period or periods not exceeding six months in the aggregate as the State Government may allow. Therefore, it is necessary to cut short this period to three months from the date of sanction, so that the persons responsible for the conduct of a chit do not prolong the registration of chit to commit fraud.

The Bill, accordingly, seeks to amend the Chit Funds Act, 1982 with a view to reduce the time frame from twelve months to three months for registration of a chit fund under the Act.

Hence this Bill.

NEW DELHI;  
*June 11, 2014.*

ARJUN MEGHWAL

## BILL NO. 30 OF 2014

*A Bill to provide for the promotion and greater exploitation of renewable energy available from sources like solar heat, wind, biogas, urban waste, tides, waves and geothermal sources by making its use compulsory by certain establishments and households in order to reduce the over dependence on fossil fuels for energy needs resulting in global warming, noxious emissions and ecological and climatological imbalances and to protect the environment and for the establishment of a Board for the purpose and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and  
extent.

**1.** (1) This Act may be called the Renewable Energy (Promotion and Compulsory Use) Act, 2014.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “Board” means the National Renewable Energy Promotion Board constituted under section 4 of this Act;

(c) “establishment” includes all offices of public and private sector, hotels of all kinds, restaurants, eating joints, shopping malls, multi-storey buildings, departmental stores, hospitals, nursing homes, clinics, schools, colleges and universities, banks, railway stations and airports;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “renewable energy” means energy or power derived from non-conventional energy sources such as sun, wind, animal dung, geothermal sources, tides or waves, carbon waste and garbage or any other sources from which the renewable energy can be obtained.

3. It is hereby declared that it is expedient in the national and public interest that Central Government shall take under its control the promotion and development of the renewable energy generation and take appropriate measures in that direction.

Central Government to take control of promotion and development of renewable energy.

4. (1) The Central Government shall, within six months of the commencement of this Act, by notification in the Official Gazette, constitute a Board to be known as the National Renewable Energy Promotion Board for carrying out the purposes of this Act.

Establishment of the National Renewable Energy Promotion Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may establish offices at conspicuous places in all the States and Union territories in the country for carrying out the purposes of this Act.

(4) The Board shall consist of—

(a) a Chairperson who shall be an expert scientist having enough professional experience and profound knowledge in the field of renewable energy to be appointed by the Central Government;

(b) a Deputy Chairperson having such qualification and experience, as may be prescribed to be appointed by the Central Government;

(c) five members of Parliament of whom three shall be from Lok Sabha and two from Rajya Sabha to be nominated by the respective Presiding Officers of both Houses;

(d) five members to represent the Central Government of the Ministries of Finance, Environment and Forests, Science and Technology, Planning, New and Renewable Energy, respectively, to be appointed by the Central Government;

(e) three members to represent Non-Governmental Organizations working for promotion of new and renewable energy in the country to be appointed by the Central Government; and

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(5) The term of office of the Chairperson, Deputy Chairperson and Members of the Board and the procedure to be followed by the Board in discharge of its functions shall be such as may be prescribed.

(6) The Board shall be assisted by a Secretariat with such number of officers and staff and with such terms and conditions of service as may be prescribed.

Functions of  
the Board.

5. (1) The Board shall formulate a comprehensive new and renewable energy policy with its goals and execution plan so as to accelerate the promotion and development of renewable energy and to minimize the dependence on fossil fuels for energy production.

(2) Without prejudice to the generality of the provision of sub-section (1), the Board shall—

(a) support and encourage research and development to promote renewable energy through Government and Private Sector participation involving all major research laboratories and centres in the country;

(b) disseminate information about the developments made abroad in the field of renewable energy;

(c) develop indicative standards of renewable energy;

(d) facilitate quick technology transfer and adoption of renewable energy;

(e) facilitate infrastructure development of renewable energy in rural areas;

(f) make provision for small biomass based energy systems for rural areas, promote dung based individual and community biogas plants, reduce dependence of firewood and encourage lighting in streets and other places through solar energy and setting up of wind power projects;

(g) suggest ways for conversion of fossil fuel based industrial heating to solar thermal heating through solar concentrator technology or its hybrids;

(h) suggest educational and other policy initiatives for renewable energy in the country;

(i) create interactive web based resource maps of different renewable technologies to facilitate speedy project development and market expansion;

(j) undertake such other activities as may be assigned to it by the Central Government from time to time.

Miscellaneous  
provisions.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall, in consultation with the Board, take the following measures to promote the use of renewable energy:

(a) make use of photovoltaic energy compulsory in establishments;

(b) make time bound provision for introducing solar water heating system in establishments;

(c) set time bound mandate for promotion of biomass energy systems in the country;

(d) reserve adequate land for setting up of renewable energy projects; and

(e) make it mandatory for electricity utilities for compulsory purchase of electricity from renewable energy producing units.

*Explanation.*—For the purposes of this sub-section, "establishment" means such places, as the appropriate Government may, by notification in the Official Gazette, specify.

(2) It shall be the duty of the appropriate Government to make available the necessary apparatus, equipment and other infrastructure either free of cost or at subsidized rates to the establishments and individuals to enable them to tap and make maximum use of renewable energy sources and for this purpose shall promote the industrial units manufacturing such apparatus and equipment by extending various incentives, concessions and infrastructure facilities.

(3) It shall be compulsory for every establishment to use the renewable energy to the extent possible.

(4) The appropriate Government shall, as soon as may be, identify the exploited sources of renewable energy in its territorial jurisdiction and send project reports to the Board which shall depute a team of experts to the concerned State or Union territory, as the case may be, to verify and assess the possibility of exploiting renewable energy sources as per the claim of that Government.

(5) The Board shall on the basis of the report of the team of experts work out the likely expenditure on the projects and recommend to the appropriate Government to implement the projects in a time bound manner.

(6) The Board shall submit to the Central Government such other projects and programmes for the optimum exploitation of renewable energy sources as it may deem necessary and expedient for the purposes of this Act.

**7.** (1) Whoever contravenes any provisions of this Act shall be guilty of an offence under this Act. Penalty.

(2) Where an offence under this Act is committed by any establishment is proved to have been committed with the consent or connivance of or is attributable to any neglect on the part of any Director, Chief Executive, Secretary or other such officer of the establishment or any person who was purporting to act in any such capacity, he as well as the establishment shall be guilty of that offence and shall be punishable with simple imprisonment which may extend to three months or with fine which shall not be less than five lakh rupees but may extend to ten lakh rupees or with both.

**8.** (1) The Board shall prepare once in every calendar year in such form as may be prescribed an Annual Report giving a true and full account of its activities during the previous year and shall forward it to the Central Government. Annual Report.

(2) The Central Government shall, as soon as possible, lay the report before each House of Parliament.

**9.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Board and the Government of the States and Union territory Administrations for carrying out the purposes of this Act. Central Government to provide funds.

**10.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary to expedient for removing the difficulty: Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before both the Houses of Parliament.

**11.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

A world Summit was held at Copenhagen, Denmark to find out ways to save the earth from the effects of carbon emission resulting in global warming. Although no foolproof solution could be finalized but the fact remains that global warming is being caused by human activities mainly due to burning of fossil fuels which releases greenhouse gases. Carbon dioxide emissions have increased manifold due to rising consumption of energy particularly coal, petroleum products and firewood by the ever increasing world population. This has put the world on the danger map and if concrete measures are not taken, the coastal areas of the world will submerge in the sea water and many small countries will be wiped out from world map.

For this transition, low carbon economy has to be adopted by massive development of new and renewable energy for the protection of our environment. In our own country, due to ever increasing population and over dependence on fossil fuels, we have invited ecological disaster. Jungles are being vanished due to over use of wood as firewood in the *chulhas* and making furniture, doors, windows, etc. The country is importing petroleum products on a large scale spending precious foreign exchange. The demand for fuel and power is increasing day by day. Therefore, we have to take steps to promote the use of renewable energy sources to meet the demands of future energy.

Fortunately we have very vast potential of renewable energy but, unfortunately, we have not tapped this potential so far at the anticipated level. There is enormous wind power potential. So is the solar energy. The desert areas have the requisite solar radiation for producing Concentrating Solar Power (CSP). A 60km. X 60km. area can produce one lakh Mega Watt of power and our country has a desert area of 208110 square kilometer in Rajasthan and Gujarat alone which if tapped can produce enormous power. The country is also capable of producing bio-fuels. Hence, we have to adopt greater use of renewable energy sources which are considered to be non-polluting and eco-friendly. The use of renewable energy sources, therefore, has to be made compulsory for all establishments and households. For this a national Board needs to be established to promote and develop the use of renewable energy resources in the country.

Hence this Bill.

NEW DELHI;  
June 11, 2014.

ARJUN MEGHWAL



#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Renewable Energy Promotion Board. Clause 9 makes it obligatory for the Central Government to provide requisite funds to the Board, State Governments and Union territory Administrations for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELIGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 31 OF 2014

*A Bill of provide for compulsory teaching of yoga in all educational institutions  
and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Yoga in Educational Institutions Act, 2014.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Advisory Council" means the Advisory Council for Yoga Education constituted under section 6;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "educational institution" means a primary or a middle or a secondary or a senior secondary level school imparting education to children, by whatever name such institution is called, but does not include a minority educational institution;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "yoga education" means teaching of yoga postures or *asanas* and such other yoga exercises as would promote the control of the body by bringing in flexibility, strength and endurance and of the mind by enhancing alertness and meditation.

Compulsory teaching of yoga education in educational institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the yoga education shall be taught as a compulsory subject in all educational institutions from such class onwards as may be determined by the Central Government on the recommendation of the Advisory Council constituted under section 6.

Appropriate Government to issue directions for compulsory teaching of yoga in all educational institutions.

4. The appropriate Government shall, immediately after issuance of the notification under section 3, issue directions for compulsory teaching of yoga in all educational institutions, within its jurisdiction.

Appointment of yoga teachers for yoga education.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching yoga in educational institutions.

Constitution of Advisory Council for yoga education.

6. (1) The Central Government shall, within three months of the coming into force of the Compulsory Teaching of Yoga in Educational Institutions Act, 2014, by notification in the Official Gazette, constitute an Advisory Council for yoga education.

(2) The Advisory Council shall consist of such numbers of persons, having special knowledge or practical experience in the field of yoga education or school education, as the Central Government may deem fit.

Functions of the Advisory Council.

7. The Advisory Council shall perform the following functions, namely:—

(a) recommend to the Central Government the syllabus of yoga education for each class upto senior secondary level;

(b) recommend to the Central Government the class from which onwards the yoga education is to be taught in educational institutions;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching yoga;

(d) recommend to the appropriate Government the institutions which may be given recognition for training teachers in yoga education for the purpose of their appointment in educational institutions; and

(e) co-ordinate with the appropriate Government and school authorities with a view to ensuring effective implementation of the provisions of this Act.

**8.** Notwithstanding anything contained in this Act, the provisions of this Act shall apply to minority institutions only if the management of such institutions convey to the appropriate Government their willingness to include the yoga education in their school curriculum.

Act to apply to minority educational institutions in certain situation.

**9.** The appropriate Government shall derecognize such educational institutions, which do not comply with the provisions of section 4, after giving such institution a reasonable opportunity of being heard.

Derecognition of educational institutions for non-compliance of the provisions of the Act.

**10.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Central Government to provide fund.

**11.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect of the Act.

**12.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Modern education system in schools lays emphasis on imparting quality education. However, our modern education is missing out on yoga education and is, therefore, incomplete without it. Yoga education is not new to us but we are forgetting to blend it with the standard school curriculum. Yoga has been a valuable and necessary tool for education.

Yoga education is gaining popularity across the world. Considering the importance of yoga education, many western countries have already included yoga in their national school education system. It is well accepted that yoga not only improves the physical and mental health but also disciplines the mind and improves the power of concentration. Many studies show that the practice of yoga inhibits many curative qualities. Moreover, yoga education is cost-effective as it requires modest infrastructure and money. Yoga is a non-competitive activity as it enables the participants to enjoy physical workout without experiencing any pressure.

Introduction of Yoga education in schools will make positive impact on the health and psycho-social well-being of the students, enrich their thinking, understanding and imagination and improve the teaching and learning abilities. Yoga will not only enhance the ability of students to deal with the stress and pressures of daily life but also help in realizing their full potential.

In modern fast paced times, yoga not only enable to cope up with increasing stress, depression, aggression, anger, emotional and mental exhaustion in our daily life but also teach us the art of balanced living. Therefore, yoga is considered as a way of living with health and peace of mind. It is, therefore, urgently required that yoga education is made compulsory in all educational institutions from primary to senior secondary level so that we can foster confidence and self-esteem in the minds of our upcoming generations in schools.

The Bill, therefore, seeks to provide for making yoga education compulsory in all educational institutions right from primary school level to senior secondary level in order to make it a part of school curriculum.

Hence this Bill.

NEW DELHI;  
*June 12, 2014.*

RAMESH POKHRIYAL 'NISHANK'

#### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of yoga teachers for imparting yoga education in educational institutions. Clause 6 provides for constitution of an Advisory Council for yoga education by the Central Government. Clause 10 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be incurred from the Consolidated Fund of India, if the Bill is enacted into a law. However, it is estimated that an annual recurring expenditure to the tune of rupees one hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



## BILL NO. 33 OF 2014

*A Bill to provide for the establishment of a Council at the Centre and in each State and Union territory for the protection of environment and ecology.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Council for Environment Protection Act, 2014.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “acts harmful to the environment” includes an act or thing done by any individual, institute, Government body or others that pollute or is likely to pollute the environment or cause changes in ecology, flora or fauna of a region to an extent that harms mankind or materially changes the existing environment or leads to the extinction of any species of plants or animals; and

(b) “environment” includes water, both surface and underground, air and land including the surface of the earth, subsoil and the forests (the flora and the fauna) and the inter-relationship which exists amongst and between water, air and land, and human beings, other living creatures and plants.

Establishment  
of Councils for  
Environment  
Protection.

3. (1) The Central Government shall establish a Central Council for Environment Protection (hereinafter referred to as the Central Council), consisting of five members who are experts in the field of environmental protection, ecology preservation, geology, ornithology, zoology or botany.

(2) The Central Council shall have its office at New Delhi.

(3) The Central Government shall establish a State Council for Environment Protection (hereinafter referred to as the State Council), consisting of three members who are experts in the field of environment or in such field as may be determined by the Central Government in every State and Union territory.

(4) The State Councils shall have their offices at the respective capital of each State and Union territory.

(5) The Councils shall function under the control of Union Ministry of Environment and Forests.

Powers and  
functions of  
Central  
Council.

4. The Central Council shall have the following powers and functions—

(a) to study, enquire and conduct research into problems of environmental protection or preservation of ecology involving subjects under the Central Government or involving more than one State or Union territory;

(b) to enquire into any matter relating to environment or ecology which any State Council deems urgent or extensive enough to necessitate deeper enquiry/study;

(c) to study and enquire into problems of pollution of oceans within the territorial waters of India;

(d) to recommend to the Central Government or the State Government concerned the steps to be taken for the environmental/ecological protection;

(e) to aid and advise the State Councils in the matters of research, environment studies and connected matters;

(f) to receive Reports of State Councils and to decide upon further course of action; and

(g) to issue orders of injunction *suo motu* or at the request of any State Council, against any person, institute or Government body in respect of acts deemed to be harmful to the environment or ecology and the order issued shall be final unless an order vacating the injunction is obtained within six months from any High Court having jurisdiction over the subject-matter or area or a major portion thereof.

Powers and  
functions of  
State Councils.

5. Every State Council shall have the following powers and functions—

(a) to study, enquire into and do research upon the problems of environment and ecology in the respective State/Union territory;

(b) to study and do research upon causes and effects of natural calamities;

(c) to study and do research into pollution of water, air, land (sand), agriculture, marine and dairy produce or any such matter which is likely to harm human health;

(d) to recommend to the respective Government of the State and Union territory the steps to be taken for environmental protection and preservation of ecology;

(e) to furnish annual report of the work undertaken in the field of problems of environment and ecology to the Central Council; and

(f) to issue orders of injunction against any person, institute or Government body in respect of acts deemed harmful to the environment or ecology and the order of injunction issued by such State Council shall take effect immediately and shall become final and binding on the expiry of six months from the date of order unless the person, institute or Government body, against whom the order is passed, obtains an order of a competent Court, not below the rank of District Judge, vacating the injunction within that period:

Provided that the State Council and/or the aggrieved party may file appeal against the order of the District Judge before the High Court.

**6.** The members of Central and State Councils shall be appointed for a period of five years and on expiry of such period any member thereof may be re-appointed for such further period or periods, not exceeding two years at a time, as the Central Government deems fit.

Tenure of Councils.

**7.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any enactment other than this Act.

Overriding effect of the Act.

**8. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Urgent steps to protect environment and maintain ecological balance have become need of the hour in view of increasing environmental pollution degradation. The ecological balance is getting deteriorated day by day in the absence of any appropriate check and balance mechanism.

The Bill seeks to provide for the establishment of Councils at the Centre and in every State and Union territory for study, enquiry, research and making recommendations on matters relating to protection of environment and preservation of ecology.

Hence this Bill.

NEW DELHI;  
*June* 12, 2014.

RAMESH POKHRIYAL ‘NISHANK’

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Council for Environment Protection at the Centre and in every State and Union territory. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

It will involve a minimum annual expenditure of about rupees two crore by way of salaries, etc. for members of the Councils and other staff.

It will also involve a non-recurring expenditure of rupees ten crores from the Consolidated Fund of India for office infrastructure at the Centre and in every State/Union territory.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 34 OF 2014

*A Bill to provide for the setting up of a Council to be called the Central Himalayan States Development Council to formulate development plans and schemes and also to monitor their implementation for the balanced and all-round development of the hilly States comprising the Central Himalayan region and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Himalayan States Development Council Act, 2014.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint :

Provided that such date shall not be later than six months from the date of assent of this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Council” means the Central Himalayan States Development Council set up under section 3;

(b) “Himalayan States” mean the States of Himachal Pradesh, Jammu and Kashmir and Uttarakhand; and

(c) “prescribed” means prescribed by rules made under this Act.

Setting up of  
the Central  
Himalayan  
States  
Development  
Council.

3. (1) There shall be set up a Council to be called the Central Himalayan States Development Council which shall consist of the following members, namely:—

(i) the Chief Minister of each of the Himalayan States:

Provided that if there is no Council of Ministers in any Himalayan State, the President of India may nominate one person to represent such State in the Council for such period as there is no Council of Ministers in such State;

(ii) members of the House of the People and Council of States representing the Himalayan States;

(iii) five persons having special knowledge of and experience in social and economic planning preferably in the hilly areas to be nominated by the President; and

(iv) the Union Minister holding charge of the Ministry of Planning.

(2) The Chairperson of the Council shall be nominated by the President from amongst the Chief Ministers of the Himalayan States in such manner as may be prescribed;

(3) The Chairperson of the Council shall be nominated for a period of two years:

Provided that if there is no Council of Ministers in any Himalayan State thereby causing vacancy in the Office of the Chairperson, the President of India may nominate Chief Minister of any other Himalayan State as Chairperson of the Council for such period as there is no Council of Ministers in such State.

Functions of  
the Council.

4. (1) The Council shall function as a Planning body for the balanced and all-round social and economic development of the Himalayan States.

(2) It shall be the responsibility of the Council to formulate development plans and schemes for each of the Himalayan States and also in which Himalayan States have common interest:

Provided that the Council may, if it considers necessary, having regard to the socio-economic backwardness of the State of Uttarakhand or any area in the State, formulate specific and time bound projects and schemes for the whole State or any area in that State and may review implementation of such projects and schemes.

(3) For securing the balanced development of the Himalayan States, the Council shall forward proposals for:—

(i) accelerating the industrial growth in one or more Himalayan States;

(ii) inter-linking various places by railways or roads including remote villages and hilly areas;

(iii) providing communication and telecommunication facilities;

(iv) providing electricity, drinking water and rural housing;

(v) providing health services including family welfare schemes;

(vi) providing educational facilities and gainful employment; and

(vii) taking preventive measures to minimize the effect of natural calamities particularly the landslides and cloudbursts,



to the Central Government and the Government of the Himalayan State concerned for their consideration.

(4) For the purposes of clause (i) of sub-section (3), the Council may recommend to the Central Government such concessions, including waiver of duty of excise, as it deems necessary, for a specific period for industrial units in any Himalayan State.

(5) The Council shall recommend to the Central Government and the Government of each of the Himalayan States the action to be taken on any matter referred to in sub-sections (2) and (3).

**5.** It shall be the duty of the Central Government and the Government of each of the Himalayan States to give due consideration to the advice of the Council and apprise the Council of its views and decisions on such advice.

Central and State Government to consider the advice of the Council.

**6.** (1) The Council shall meet at least thrice in each year.

Meeting of the Council.

(2) The proceedings of every meeting of the Council shall be forwarded to the Central Government and also to Government of each of the Himalayan States.

**7.** (1) The Council shall have a secretarial staff consisting of a Secretary, a Planning Adviser and a Financial Adviser and such other officers and employees as the Central Government may, by order, determine.

Officers and staff of the Council.

(2) The Secretarial staff of the Council shall function under the direction, supervision and control of the Chairperson of the Council.

(3) The office of the Council shall be located at such place as may be determined by the Council.

(4) The administrative expenses of the said office, including the salaries and allowances payable to, or in respect of, members of the secretarial staff of the Council, shall be borne by the Central Government out of the moneys provided by Parliament for the purpose.

**8.** The Central Government shall provide, from time to time, after due appropriation made by Parliament by law in this behalf, adequate funds to the Council for the implementation of the development plans and schemes formulated by the Council.

Provision of funds to the Council.

**9.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The development process in the Central Himalayan States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir has been very tardy due to their extreme geographical location and social background. The people living in these States do not have adequate educational facilities and consequently, employment opportunities. The people also have to travel to other States for medical treatment as there are no well equipped hospitals and qualified doctors. There has also been negligible growth of industries. There is an urgent need for setting up of environment friendly industries in these States for the development of the States as a whole and to enable the local youth to get employment opportunities. For setting up of new industries, special concessions including waiver of excise duty for a specific period should be given to the industries in the States by the Central Government.

The problems of these Himalayan States are interlinked. All these States experience natural calamities like recurrent floods, landslides, cloudburst, etc. almost every year, thereby causing huge loss of life and property. Basic infrastructure facilities like “Pucca Roads”, electricity, communication, schools, drinking water, bridges connecting remote villages with Pucca Roads, etc. are still to be made available to all the people of these regions even after sixty years of independence. As these regions share common problems, the solutions to their problems are also common. Many of the developmental works in these States can be carried out only by involvement of all the three States. The State of Uttarakhand, being created in the year 2000 only, needs special attention for its overall development.

It is, therefore, proposed to establish a Central Himalayan States Development Council to look into and accelerate the process of development in these States, particularly in Uttarakhand. A similar Council has been functioning very successfully for the North-Eastern States. The establishment of such a Council for the States of Uttarakhand, Himachal Pradesh and Jammu and Kashmir would not only help in the speedier overall development of the Himalayan States, but would also take the country high on the growth map by acting as a coordinating agency amongst the people of the States of the Himalayan region.

Hence this Bill.

NEW DELHI;  
June 12, 2014.

RAMESH POKHRIYAL ‘NISHANK’

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of the Central Himalayan States Development Council consisting of persons having special knowledge of and experience in social and economic planning in the hilly areas. Clause 6 provides that the Council shall meet at least thrice each year. Clause 7 provides that the Central Government shall bear the administrative expenditure including salaries and allowances of members, officers and staff of the council. Clause 8 provides that the Central Government shall provide adequate funds to the Council for implementing the development plans and schemes by way of grants, after due appropriation made by Parliament. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees four hundred crore is likely to be involved as a recurring expenditure per annum.

A sum of rupees four hundred crore is also likely to be involved as non-recurring expenditure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 46 OF 2014

*A Bill to amend the Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2014.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
section 2.

**2.** In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, for clause (o) and Explanation thereto, the following clause shall be substituted, namely:—

2 of 2007.

'(o) "other traditional forest dweller" means any member or community who has primarily resided in and who has engaged in agriculture on the forest land or who depend on the forests or forest land for *bona fide* livelihood needs.'

## STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was enacted with the purpose of recognising the rights of the Scheduled Tribes and other traditional forest dwellers residing in forests for generations by conferring on them the rights to use the forest land for their *bona fide* livelihood needs. However, the condition of domicile for residing in forest area for three generations as given in the definition of the other traditional forest dweller in the Act is resulting in severe sufferings to the farmers. Since these traditional forest dweller are mostly illiterate persons, they don't have any proof to support the fact that they are dwelling in forest land for three generations. Being a forest region, the land records are also not available. In view of the difficulties being faced by them in furnishing documents/records of their domicile for three generations and the consequent deprivation of benefits arising out of the Act, there is a need to repeal the condition of domicile of three generations.

It is necessary to do away with the condition of three generations as mentioned in the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and to amend the definition of other traditional forest dweller in the Act to enable the traditional forest dwellers to derive the desired benefits from the Act.

The Bill seeks to achieve above objective.

NEW DELHI;  
June 25, 2014.

HANSRAJ GANGARAM AHIR

**BILL NO. 45 OF 2014**

*A Bill to provide for printing of cost of production and maximum retail price of consumer goods being sold in the market and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,  
extent and  
application.

**1.** (1) This Act may be called the Consumer Goods (Mandatory Printing of Cost of Production and Maximum Retail Price) Act, 2014.

(2) It extends to the whole of India.

(3) It shall apply to all persons involved in marketing or manufacturing of goods based on either indigenous or imported materials with the intention of offering it for sale in the market.



**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

(b) "consumer goods" means all goods and items brought in the market for sale and are meant for the use and consumption of the consumers;

(c) "cost of production" means cost incurred directly or indirectly by the manufacturer in the production of consumer goods;

(d) "maximum retail price" means such price at which the consumer goods shall be sold in retail and such price shall include all taxes levied on the goods;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "printing" means printing of the cost of production and retail price at a visible place on the consumer goods package in Hindi and English and the local language of the place it is sold.

**3.** No person shall sell or cause to be sold any consumer goods without the cost of production and maximum retail price of the product printed on such product after the expiry of six months from the date of coming into force of this Act.

Mandatory printing of cost of production and maximum retail price on packaging of consumer goods.

**4.** (1) Any person may file a complaint with the officer designated for the purpose by the appropriate Government in case a consumer goods is sold at more than the maximum retail price printed on the product or is sold without the cost of production of the product printed on it.

Provision of complaint against selling of consumer goods for a price more than maximum retail price, etc.

(2) The officer designated, on receipt of the complaint from any individual or on its own, shall cause an enquiry made into the complaint.

(3) If, after the enquiry made under sub-section (2), it is found that the provisions of this Act have been violated, the license of the organization responsible for manufacturing the consumer goods as also of the organization selling the consumer goods shall be cancelled forthwith and the person-in-charge of the organization shall be punished with simple imprisonment for a term which shall not be less than one year and with fine which shall not be less than rupees one lakh.

**5.** The provision of this Act shall be given wide publicity by the appropriate Government through such media as it may deem fit.

Act to be given wide publicity.

**6.** The provisions of this Act shall be in addition to, and not in derogation of any other law, for the time being in force, relating to matters provided in this Act.

Act not in derogation of any other law.

**7.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

It is generally seen that the prices of consumer goods sold in the markets are determined arbitrarily by the manufacturers. In this process, the manufacturers gain huge profit as the actual manufacturing cost is very low. The consumers' interests are compromised and they are compelled to buy goods at much higher prices in comparison to actual manufacturing cost of goods. Thus, consumers are subjected to economic exploitation. For example, potato chips, drinking water, soft drinks, automobiles, medicines, etc. are being sold at a price much higher than their cost price. The manufacturers arbitrarily fix the price and the consumers are compelled to purchase goods at higher costs. If it is made mandatory for the manufacturers to print the actual cost of production of goods along with their maximum retail price it will help to curb the greed of the manufacturers. Such a measure will also help the consumers in making a decision regarding buying the product.

It is the duty of the Government to bring a legislation for protecting the interests of consumers. In the wake of economic liberalisation, it has become essential that the consumers are given the right to know the actual manufacturing cost of the goods they are going to purchase.

It is also in the public interest to make commodities and goods available at fair prices to consumers. The interests of consumers can be protected against the vice of profiteering by making the goods and commodities available to them at a reasonable price.

Hence this Bill.

NEW DELHI;  
*June 25, 2014.*

HANSRAJ GANGARAM AHIR

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that appropriate Government shall give wide publicity to the provisions of this Act.

The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union territories shall be borne out of the Consolidated Fund of India.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees twenty-five crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 36 OF 2014

*A Bill to provide for the constitution of an authority for the purpose of protection of cow and its progeny in the country and similar authorities at the State level and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cow Protection Authority Act, 2014.

Short title  
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Authority” means the National Cow Protection Authority established under section 4;

(b) “cow” includes its progeny and bulls and bullocks; and

(c) “prescribed” means prescribed by rules made under this Act.

Prohibition of Slaughter of Cow and its progeny.

**3.** Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall cause any injury or kill or attempt to kill, for any reason whatsoever, any cow in the country.

Establishment of National Cow Protection Authority.

**4.** The Central Government shall establish an Authority to be known as the National Cow Protection Authority for the protection and overall development of the cow and its progeny.

Composition of National Cow Protection Authority.

**5. (1)** The Authority shall consist of :—

(i) a Chairperson, who shall be an expert in the discipline of rural economy having not less than twenty years of experience in that field, to be appointed by the Central Government; and

(ii) twenty members, having not less than ten years experience of teaching/working in the field of rural economy and animal husbandry, to be nominated by the Central Government in consultation with State Governments.

(2) The Chairperson and other members of the Authority shall hold office for a period of five years.

(3) The headquarters of the Authority shall be at Nagpur in the State of Maharashtra.

(4) The salary and allowances payable to, and other terms and conditions of the Chairperson and the members of the Authority shall be such as may be prescribed.

(5) The Central Government shall provide such number of officers and staff to the Authority as may be required for its efficient functioning.

(6) The salary and allowances payable to, and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

Establishment of State cow protection Authority.

**6. (1)** The Central Government shall establish an Authority for the protection and overall development of the cow and its progeny in each State/Union territory to be known as the State Cow Protection Authority or the Union territory Cow Protection Authority, as the case may be.

(2) The State Authority shall consist of:—

(i) a Chairperson, who shall be an expert in the discipline of rural economy having not less than fifteen years of experience in that field, to be appointed by the National Authority in such manner as may be prescribed; and

(ii) ten members, having not less than ten years experience of teaching/working in the field of rural economy and agriculture, to be nominated by the National Authority in such manner as may be prescribed.

(3) The Chairperson and other members of the State Authority shall hold office for a period of five years.

(4) The salary and allowances payable to, and other terms and conditions of the Chairperson and the members of the State Authority shall be such as may be prescribed.

(5) The State Authority shall function under the overall guidance and control of the National Authority.

**7. The Authority shall perform the following functions:—**

Functions of  
the National  
Authority.

(a) Collection and compilation of data pertaining to different varieties/hybrids of cows found in the country;

(b) conducting comprehensive cow census once in every three years;

(c) monitoring slaughter-houses in the country with a view to ensuring that no cow is slaughtered there;

(d) improving the breed of cows through various scientific processes including artificial insemination;

(e) publicise and propagate the importance of cow for the Indian economy through public awareness campaigns, newspapers and audio-visual media;

(f) promoting the use of modern animal husbandry techniques to increase milk productivity of indigenous cow;

(g) promote and propagate the use of ayurvedic medicines prepared with the use of contents of cow milk, *gobar and gomutra* among masses through print or electronic media;

(h) functioning as a resource centre in respect of ayurvedic or other medicines based on cow milk, *gobar and gomutra* and providing financial assistance for its promotion;

(i) promoting and propagate the manufacturing of medicines with the help of contents of cow milk, *gobar and gomutra*;

(j) increasing public awareness for greater use of cow dung as a manure as a substitute for chemical fertilizers and making available the same to the farmers at reasonable rates;

(k) providing assistance and guidance for developing local grazing grounds for cows in such manner as may be prescribed;

(l) monitoring the implementation of ban on export of beef from slaughter houses or from any other place in the country;

(m) promoting the production and export of milk and milk-based products;

(n) providing assistance to State Authorities for the loss of cow and other infrastructure during natural calamities;

(o) providing for the care of sick, old and infirm cows;

(p) construction of cow shelters with the provision of adequate facilities including veterinary doctors and other support staff;

(q) providing financial assistance for construction of veterinary hospitals for the treatment of cow;

(r) providing necessary assistance and guidelines for promotion of *gobar* gas plants;

(s) tendering advice to State Governments/Union territory Administrations on issues arising out of implementation of the provisions of the Act; and

(t) such other functions as may be assigned to it by the Central Government.

**8. The State/Union Territory Authority shall perform the following functions:—**

Functions of  
the State/  
Union  
Territory  
Authority.

(i) formation of special squads at district levels for enforcement of the provision of ban on slaughter of cow and its progeny;

(ii) monitoring slaughter-houses within their jurisdiction with a view to ensuring that no cow is slaughtered there;

(iii) taking the assistance of State Authorities in implementation of the provisions of this Act;

(iv) moving the cows seized from the slaughter houses to the nearest cow shelter constructed for the purpose; and

(v) such other functions as may be assigned to it by the National Authority.

Punishment.

**9. (1)** Whoever kills or attempts to kill or abet the killing of cow shall be punished with rigorous imprisonment for a term which may extend to seven years but which shall not be less than two years and with fine which may extend to ten thousand rupees;

(2) Whoever causes injury to a cow but does not result in its death shall be punished with fine which may extend to five thousand rupees;

(3) Whoever indulges in export or import of cows for the purpose of slaughtering or indulges in trading in beef or attempts to indulge in or abets such acts shall be punished with imprisonment which may extend to five years and with fine which may extend to ten thousand rupees.

Central Government to provide adequate funds.

**10.** The Central Government shall, after due appropriation by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Act not to be in derogation of other Laws.

**11.** The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Power to make rules.

**12. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

Our country is currently paying a heavy price for excessively interfering with the nature. Wrong practices being adopted in agriculture have given rise to a number of issues including unemployment, degradation of land and deteriorating water resources. Deforestation has resulted in land erosion and also in lowering of water level. The ecological experts are warning us against the ill-effects of reduction in Bio-diversity.

Cow and its progeny are the mainstay of agriculture and rural economy of the country. Cows are considered sacred in our tradition and there is a good reason for that. Even then we are unable to save them from extermination. Smuggling of livestock worth 150 million rupees is taking place along Indo-Bangladesh border every year. According to an estimate, approximately 80 per cent of the cow and its progeny have already been destroyed since independence. It is our misfortune that we have undermined our culture from which we have benefited so much. We still do not appreciate the kind of riches we can get if only proper arrangements are put in place to protect and enrich our cows and their progeny. The existence of 36,000 slaughter-houses in the country is a pointer to this.

Hybrid varieties yield more milk but become less productive in a short span. The indigenous cows are important not only for their milk but also for other by-products such as, cow dung, bones, horns, urine which have adequate medicinal importance. Community animal husbandry can help run bio-gas plant having 85 to 125 cubic meter capacity. It may be said that there is a strong linkage amongst rural industries, seven lakh villages and promotion of cow progeny. Mosquito-resistant coils, phenyl, insecticides, distemper, earthen tiles, shaving creams, face creams, utensil cleaning powders, tooth protection, herbal shampoos and also medicines for stomach cancer, kidney disease, respiratory disease and tuberculosis etc. are just some of the products that are based on materials derived from cows. This proves that we can still generate employment on a very large scale to promote rural economy on the basis of cow and its progeny. That is why, cow is regarded in our country as *gaumata* and hence, there is need to make special provisions for protection, promotion and development of cow and its progeny.

This Bill proposes to constitute a National Cow Protection Authority at the national level and State Cow Protection Authority at the State level for protection and development of cow and its progeny which is considered as the basis for the development of country and rural economy.

Hence, this Bill.

NEW DELHI;  
June 25, 2014.

HANSRAJ GANGARAM AHIR

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a National Authority for protection of cow and its progeny. Clause 5 provides for composition of the National Authority and salary and allowances payable to the Chairperson and other members of the Authority. Clause 6 provides for constitution of the State Authority in States and Union territories for protection and overall development of cow and its progeny in the States and Union territories by the Central Government. Clause 7 provides that Central Authority shall perform certain functions like collection and compilation of data pertaining to indigenous cows, setting up of shelter with adequate facilities for cows, providing financial assistance to the State Cow Protection Authority etc. Clause 8 provides for formation of special squads for enforcement for protection of cows. Clause 10 provides that Central Government shall release funds to Central Authority after due appropriation. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of approximately rupees one thousand crore is likely to be involved.

A non-recurring expenditure of one hundred crore rupees is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

## BILL NO. 37 OF 2014

*A Bill to provide for the welfare of sculptors, artists and artisans in rural areas and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sculptors, Artists and Artisans of Rural Areas Welfare Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “artisan” means any person engaged in making useful, decorative or artistic items manually from leaves or weeds or bamboo or any other material by traditional means in rural areas for earning his livelihood;

(b) “artist” means any person who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skills to public in rural areas;

(c) “Board” means the National Sculptors, Artists and Artisans of Rural Areas Welfare Board constituted under section 4;

(d) “Fund” means the National Sculptors, Artists and Artisans of Rural Areas Welfare Fund constituted under section 3;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “sculptor” means any person engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in rural areas for earning his livelihood.

3. (1) The Central Government shall constitute a Fund to be known as the National Sculptors, Artists and Artisans of Rural Areas Welfare Fund.

Constitution of the Sculptors, Artists and Artisans of Rural Areas Welfare Fund.

(2) The Central Government and State Governments shall contribute to the Fund in such proportion, as may be prescribed.

4. (1) The Central Government shall constitute a Board to be known as the National Sculptors, Artists and Artisans of Rural Areas Welfare Board.

Constitution of the National Sculptors, Artists and Artisans of Rural Areas Welfare Board.

(2) The Board shall consist of following members, namely:—

(a) the Union Textile Minister who shall be its Chairperson, ex-officio;

(b) five members representing the Non-Governmental Organisations working for the welfare of sculptors, artists and artisans in rural areas, to be appointed by the Central Government; and

(c) five members representing the sculptors, artists and artisans in rural areas, to be appointed by the Central Government.

(3) The salary and allowances payable to, and other terms and conditions of service of, members of the Board shall be such, as may be prescribed by the Central Government.

5. (1) The Board shall administer the Fund for the welfare of sculptors, artists and artisans of rural areas.

Functions of the Board.

(2) Without prejudice to the generality of the foregoing provision, the Fund shall also be used for,—

(a) payment of compensation to the next of kin of the sculptors, artists and artisans in the event of death during work;

(b) payment of premium for life insurance;

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to sculptors, artists and artisans and their family members;

(f) housing facility at subsidised rate; and

(g) financial assistance to sculptors, artists and artisans for production and marketing of their products and organization and advertisement of events.

Annual  
Report.

**6.** The Board shall submit every year a report, in such form and manner, as may be prescribed, of its activities to the Central Government.

Power to  
make rules.

**7.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The sculptors, artists and artisans working in the rural areas are living in a miserable condition. The benefits of development have not reached them. In the age of globalisation and information technology, it has become very difficult for these people to earn their livelihood. Several generations of these sculptors, artists and artisans have spent their whole life to keep alive these traditional arts and for providing other useful articles and entertainment to the community. Despite public recognition, these people are not able to meet the both ends due to meagre income.

In rural areas, the traditional folk arts are popular means of entertainment. But with the invasion of television, it is increasingly becoming difficult for them to earn their livelihood. Even today, these people are engaged in preserving our traditional art. Government should come forward to provide assistance to these folk artists so that they can lead a dignified life.

In view of the miserable condition of these artists, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their welfare.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*June 25, 2014.*

HANSRAJ GANGARAM AHIR

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Fund for the welfare of sculptors, artists and artisans in the rural areas. Clause 4 provides for constitution of a Board to administer the National Fund for the Welfare of Sculptors, Artists and Artisans in the rural areas. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees five hundred crore.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.



#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 38 OF 2014

*A Bill to prohibit the slaughter of cow and its progeny.*

WHEREAS article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the Ban on Cow Slaughter Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

**2.** In this Act, unless the context otherwise requires, "cow" includes a bull, bullock, ox, heifer or calf.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place.

Prohibition  
of slaughter  
of cow.

4. No person shall sell or offer for sale or cause to be sold beef or beef products in any form for any purpose.

Prohibition  
of sale of  
beef.

5. Any person who contravenes the provisions of sections 3 or 4 shall be punished with imprisonment which may extend to ten years or with fine which may extend to rupees one lakh or with both.

Punishment.

## STATEMENT OF OBJECTS AND REASONS

Article 48 of the Constitution enjoins on the State to organise agricultural and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. In view of the consideration that the cow and its entire progeny must be saved to provide milk, as well as manure, it becomes imperative to impose complete ban on cow slaughter.

NEW DELHI;  
*June 25, 2014.*

YOGI ADITYANATH

## BILL NO. 39 OF 2014

*A Bill further to amend the constitution of India.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014. Short title.
2. Article 44 of the Constitution shall be omitted. Omission of article 44.
3. After Part IVA of the Constitution, the following Part and articles thereunder shall be inserted, namely:— Insertion of new Part IVB

## "PART IVB

## UNIFORM CIVIL LAW

**51B.** In this Part, unless the context otherwise requires, "the State" has the same meaning as in Part III. Definition.

**51C.** The State shall secure for the citizen a uniform civil code throughout the territory of India." Uniform civil code for the citizens.

## STATEMENT OF OBJECTS AND REASONS

The Constitution-makers, while framing the Constitution of India, gave a direction to the Governments, Legislatures and other authorities that they shall endeavour to make uniform civil laws for all citizens throughout the country. The intention behind this was that when secularism was the avowed object of the Constitution, there should not be various civil laws based on different religions. Moreover, our country is not a theocratic State. It has no State religion. However, various civil laws in force at present are based on different religions.

As the direction to the Government to make uniform civil law is in the Directive Principles of State Policy, it is not enforceable in any court of law and as such no attempt has been made to bring uniform civil code. To ensure uniformity, equality and social justice, it is imperative that a uniform civil code should be brought at the earliest. This Bill accordingly seeks to amend the Constitution.

NEW DELHI;  
*June 25, 2014.*

YOGI ADITYANATH

## BILL NO. 51 OF 2014

*A Bill further to amend the Motor Vehicles Act, 1988.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2014.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 109 of the Motor Vehicles Act, 1988 (hereinafter referred to as the principal Act), after sub-section (3), the following sub-section shall be added, namely:—

Amendment  
of section  
109.

"(4) Without prejudice to the generality of the foregoing provision,—

(a) every manufacturer of a car or a motorcab shall ensure that there is an option to open the rear door in the car or the motorcab from within as well as from outside so as to ensure the exit of the passengers inside the car or the motorcab in the event of an accident;

(b) every manufacturer of a heavy passenger motor vehicle or educational institution bus or any other motor vehicle used to carry passengers shall ensure that there is an option in that motor vehicle or the bus to open emergency exit doors from within and as well as from outside so as to ensure the exit of the passengers inside the motor vehicle or the bus in the event of an accident."

Insertion of new sections 125A, 125B and 125C.

3. After section 125 of the principal Act, the following sections shall be inserted, namely:—

Prohibition on playing of loud music.

"125A. No person driving a motor vehicle or in charge of a motor vehicle shall play or cause to play or allow playing of music at such volume as may likely to result in an accident by distracting the attention of the driver.

Compulsory wearing of seat belts.

125B. Every driver of a motorcar and any other person seated on the front seat or the rear seat shall wear a seatbelt while the vehicle is in motion.

Prohibition on lighting fireworks, etc. on road.

125C. No person shall light fireworks or do any act on any public place so as to cause impediment to the free flow of traffic or distract the attention of the drivers of motor vehicles."

Insertion of new sections 134A and 134B.

4. After section 134 of the principal Act, the following sections shall be inserted, namely:—

No enquiry to be made from a person conveying accident victim to hospital.

"134A. Notwithstanding anything contained in any other law for the time being in force, when any person is injured as a result of an accident in which a motor vehicle is involved, no police officer shall make any enquiry from a person, other than the driver of the vehicle or person in charge of the vehicle, who helped the injured in securing medical attention by conveying him to the nearest medical practitioner or hospital, unless that person himself desires otherwise.

Certain steps to be taken by the Central Government to secure timely medical attention.

134B. The Central Government shall, for the purpose of securing timely medical attention to persons injured as a result of accident involving motor vehicles, provide adequate financial assistance to the State Governments for—

(a) making available adequate number of ambulances in each district; and

(b) setting up of round the clock helpline numbers which shall be prominently displayed at various public places, national highways, State highways and roads frequently used by motor vehicles."

Insertion of new section 177A.

5. After section 177 of the principal Act, the following section shall be inserted, namely:—

Punishment for offences relating to playing of loud music, non-wearing of seat belts and lighting fireworks on roads.

"177A. Whoever contravenes the provisions of sections 125A or 125B or 125C shall be punished with fine which shall not be less than one thousand rupees."

Amendment of section 183.

6. In section 183 of the principal Act, for sub-sections (1) and (2), the following sub-section shall be substituted, namely:—

"(1) Whoever drives or causes any person who is employed by him or is subject to his control in driving to drive a motor vehicle in contravention of speed limit referred to in section 112 shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than ten thousand rupees."



7. In section 185 of the principal Act, for the words "shall be punishable for the first offence with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both; and for a second or subsequent offence, if committed within three years of the commission of the previous similar offence, with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both", the words "shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than ten thousand rupees" shall be substituted.

Amendment of section 185.

8. After section 199 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 199A and 199B.

"199A. Whoever contravenes the provisions of sub-section (4) of section 109 shall be punished with fine which shall not be less than one lakh rupees.

Punishment for not keeping an option to open rear door/ emergency exit from inside/outside in motor vehicle by manufacturers.

199B. Whoever being a medical practitioner nor a doctor on duty in the hospital fails to immediately attend to the injured person and render him the medical aid or treatment in contravention of the provisions of clause (a) of section 134 shall be punished with fine which shall not be less than one lakh rupees."

Punishment for not immediately attending the accident victim. Amendment of section 201.

9. In section 201 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Whoever —

(a) seeks alms or sells articles on any public place so as to cause impediment to the free flow of traffic; or

(b) walks on the road or crosses the road instead of using the footpath or zebra-crossing,

shall be punishable with a fine which may extend upto one thousand rupees:

Provided that a person seeking alms or selling articles under the influence of alcohol or a drug to the extent specified under section 185 shall be liable to punishment prescribed under that section.”

## STATEMENT OF OBJECTS AND REASONS

Road accidents have earned India a dubious distinction of having highest number of road accident casualties in the world. Statistic reveals that death occurs every four minutes on Indian roads. Causes for road accidents are many like the congested city roads, bad road surfaces, flooding of roads, reckless driving, inadequate traffic management and so on. In the years 2001 to 2011, more than a million people died in road accidents across India.

Road accidents are serious issues but little attention is being paid to this and road accidents claim more lives than in terrorist activities. There is an urgent need to revamp the road safety measures and traffic management system in order to ensure road safety and well being of all road users.

The Bill, therefore, seeks to amend the Motor Vehicles Act, 1988 with a view to—

- (i) prohibit playing of loud music while driving a vehicle;
- (ii) make it compulsory to wear seat belts while the vehicle is in motion;
- (iii) prohibit lighting fireworks, etc. on roads, which cause impediment to free flow of traffic;
- (iv) prohibit unnecessary harassment of persons who help in taking to the hospital the victims of road accidents; and
- (v) provide that the manufacturers shall ensure provision of opening rear door/ emergency exit from inside/outside in motor vehicle for exit of passengers.

The Bill also seeks to provide for enhanced punishment for certain offences under the Act.

NEW DELHI;  
June 26, 2014.

MULLAPPALLY RAMACHANDRAN

## FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to insert a new section 134B in the parent Act so as to provide that the Central Government shall provide adequate financial assistance to the State Governments for—

- (i) making available adequate number of ambulances for securing medical help to victims of road accidents in each district; and
- (ii) setting up of round the clock helpline numbers.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore from Consolidated Fund of India will be involved.

No non-recurring expenditure is likely to be involved.

## BILL NO. 40 OF 2014

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

**1.** This Act may be called the Constitution (Amendment) Act, 2014.Amendment  
of the Seventh  
Schedule.**2.** In the Seventh Schedule to the Constitution,—

(i) in List-II-State List, in entry 33, the word "sports," shall be omitted; and

(ii) in List-III-Concurrent List, after entry 25, the following entry shall be inserted, namely:—

"25A. Sports and games.".

## STATEMENT OF OBJECTS AND REASONS

India has a vast pool of human resources but it has not manifested its potential in sports at the international level. There have been numerous explanations for India's poor performance in sports at the international level. At present, sport is a State Subject and hence a primary responsibility of the State Government. Therefore, it could not get direct attention of the Union Government in order to achieve excellence at national and international level. International sporting events are an essential part of diplomatic relations among the nations. Sports diplomacy has been used as an effective tool to reshape bilateral political relations, address security related issues or bring to an end the practice of apartheid or human rights violations at international level by different nations.

International sporting events require political and diplomatic clearance, grant of visas for sportspersons, coaches, administrators and provision of security to teams, etc., which fall within the domain of the Union Government. No State Government can undertake such exercise.

It has, therefore, become necessary that Central Government should take necessary steps to promote and encourage sports activities in the country; make available all necessary facilities and infrastructure and provide funds to all associations and institutions involved in the promotion of sports.

The Bill, therefore, seeks to amend the Seventh Schedule to the Constitution with a view to—

(i) omit the word "sports" in entry 33 of List II-State List; and

(ii) include a new entry "sports and games" in List III-Concurrent List,

so that Union Government can also take all necessary measures including legislative measures to improve the standard of sports in the country.

Hence this Bill.

NEW DELHI;  
*June 25, 2014.*

MULLAPPALLY RAMACHANDRAN

## BILL NO. 47 OF 2014

*A Bill to provide for the establishment of a Statutory autonomous Commission for the purpose of ensuring minimum support prices to farmers for their agricultural produce and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

**1.** (1) This Act may be called the National Agricultural Produce Price Commission Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. In this Act, unless the context otherwise requires,—**

Definitions.

(i) "agricultural produce" includes paddy, wheat, sugarcane, millet, barley, *ragi*, *madwa*, cotton, maize, soyabean, rapeseed, mustard, peanut, coconut, sunflower, groundnut, safflower, sesamum, niger seed, gram, *tur*, *urad*, *moong*, *masoor* (lentil), peas, jute, cashew nut, pepper, turmeric, tobacco, potato, tomato, onion, mango, apple, orange, *kinnoo*, *mousambi* and other such foodgrains or commodity as may be prescribed;

(ii) "Commission" means the National Agricultural Produce Price Commission constituted under section 3;

(iii) "cost of cultivation" includes operating cost plus imputed value of family labour, market based rental value of land, interest on both working and fixed capital, transportation cost, marketing cost and insurance premium; and

(iv) "prescribed" means prescribed by rules made under this Act.

**3. (1)** The Central Government shall, as soon as may be, but not later than six months of the commencement of this Act, by notification in the Official Gazette, constitute a Commission to be known as the National Agricultural Produce Price Commission.

Constitution of the National Agricultural Produce Price Commission.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall, by the said name, sue or be sued.

**4. (1)** The Commission shall consist of:—

Composition of the Commission.

(i) (a) a Chairperson;

(b) a Vice-Chairperson;

to be appointed, from amongst persons of eminence having special knowledge in the field of agricultural economics, by the Central Government;

(ii) five members of Parliament, of whom three shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses;

(iii) one member having practical experience in the field of agriculture with compulsory agricultural and rural background representing each State to be nominated by the Central Government in consultation with the respective State Governments;

(iv) one member representing the Union Ministry of Agriculture;

(v) one member representing the Indian Council of Agricultural Research; and

(vi) five members representing farmers to be appointed by the Central Government in such manner as may be prescribed.

(2) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson, Vice Chairperson and members of the Commission, shall be such as may be prescribed.

(3) The head office of the Commission shall be at New Delhi.

(4) The Central Government shall provide such number of officers and staff to the Commission as are required for its efficient functioning.

(5) The salary and allowances payable to, and other terms and conditions of the service of the officers and staff of the Commission, shall be such as may be prescribed.

**5. (1)** The Commission shall perform the following functions:—

Functions of the Commission.

(a) fix and declare the minimum support price of agricultural produce on the basis of cost of cultivation plus fifty per cent. margin on the cost of cultivation and the announcement of the same well in advance of the sowing season;

(b) ensure that the farmers get the minimum support prices fixed by it for their agricultural produce;

(c) recommend to the Central Government the measures for raising the standard of farming in the country, especially raising farm productivity and farm profitability;

(d) recommend to the Central Government the measures for improving the living conditions of farmers;

(e) ensure that the prices of the agricultural produce do not fall below the statutorily fixed minimum support price fixed by it due to undesirable activities of traders and middlemen after the post-harvest period;

(f) give wide publicity to the minimum support prices of the agricultural produce determined by it; and

(g) keep the farmers aware of the prices of agricultural produce in the international market.

(2) The Commission shall, while discharging its functions, consult State Governments and such other agencies as it thinks fit, which are responsible for procurement, supply, distribution, trade and other activities in relation to agricultural produce so as to ensure payment of minimum support prices to the farmers.

Central Government to implement the recommendations of the Commission.

**6.** The Central Government shall be bound to accept and implement the minimum support prices announced by the Commission.

Compulsory purchasing of agricultural produce by the Central and the State Governments.

**7.** Where a farmer fails to sell his agricultural produce in the open market at minimum support price determined by the Commission, the Central Government and the State Governments shall purchase the agricultural produce from the farmer at the price fixed by the Commission.

Central Government to provide funds.

**8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Commission for carrying out the purposes of this Act.

Power of the Central Government to remove difficulties.

**9.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

Act to have overriding effect.

**10.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

**11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

It is an open secret that agriculture sector is reeling under severe crisis in India. The share of agriculture in Gross Domestic Product (GDP) of the country is constantly and unabatedly falling year by year since independence. In 1950, the share of the agriculture in GDP was 51 per cent. and in the year 2009, it has come down to a mere 14.1 per cent. and that too without any substantial decrease in the number of the people dependent on it. Still sixty per cent. of our population is directly dependent on agriculture. It is shocking that the policy-makers, the leaders, the bureaucracy, etc. are apathetic to the fact that in the last thirteen years, more than 3 lakh farmers have committed suicide across the country. Even today, in some States the trend of committing suicide by farmers is continuing. According to the annual data released by the National Crime Records Bureau in the year 2009, around 17,368 farmers committed suicide *i.e.* every hour, two of our farmers committed suicide, and that too when we pat our back for achieving a GDP growth rate of 9 per cent. per annum. There are several reasons behind their shocking misery but one of the major reasons is non-availability of remunerative prices of their agricultural produce. The middlemen, hoarders, money lenders, etc. are exploiting them for the last 65 years. The Commission of Agricultural Cost and Prices (CACP) under the Ministry of Agriculture fixes the Minimum Support Price (MSP) of a few agricultural commodities. This Commission has no legal standing and it often happens that the MSP determined by the CACP is not remunerative for farmers. Perhaps it would not be incorrect to say that the CACP has failed in its duty to ensure remunerative prices to farmers. It has no proper mechanism to calculate the cost of production of agricultural produce and, therefore, the MSP announced by it is far below the cost incurred by the farmers to raise their crops. Hence, it is felt that if a fully autonomous statutory commission is established to fix the minimum support prices of the agricultural produce with certain guidelines, the misery of the farmers of the country would be solved to some extent.

Hence this Bill.

NEW DELHI;  
June 25, 2014.

RAJU SHETTI

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Agricultural Produce Price Commission. Clause 4 provides for salary and allowances of the Chairperson, Vice Chairperson and members of the Commission. Clause 5 provides, *inter alia*, for giving wide publicity to minimum support price of the agricultural produce by the Commission. Clause 7 provides for compulsory purchasing of agricultural produce by the Central and the State Governments. Clause 8 provides for payment of adequate funds to the Commission for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore per annum would be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 44 OF 2014

*A Bill further to amend the Hindu Marriage Act, 1955.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of  
section 3.

2. In section 3 of the Hindu Marriage Act, 1955 (hereinafter referred to as the principal Act), the existing clause (a) shall be renumbered as clause (aa), and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

"(a) 'abandoned wife' means a female party to a marriage whose husband has deserted her or has failed to provide such support to her as, according to the customs and social practice, is expected to be provided by a husband to his wife, for a continuous period of not less than one year.

*Explanation.*—For reckoning the continuous period of one year, any intervening period of less than one month during which the cohabitation resumes and subsists, shall be excluded for the purpose of computing the continuous period of one year."

3. After section 24 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 24A and 24B.

"24A. (1) An abandoned wife shall be entitled to payment by her husband such sum of money every month for her maintenance and support, as, having regard to the husband's own income and property, the income and property of the abandoned wife and other circumstances of the case, is sufficient to enable the abandoned wife to sustain a standard of living commensurate with the husband's income and property:

Provision of mandatory maintenance to abandoned wife.

Provided that in no case the amount of maintenance granted under this section shall be less than two-fifths of the gross monthly income of the husband.

(2) If a husband, at any time, fails to pay to his abandoned wife the amount of maintenance under this section for a continuous period of two months, the court shall secure future payment of maintenance from the husband by creating a charge on his income and, if necessary, also on his assets.

(3) The right of maintenance and support of an abandoned wife under this section shall be without prejudice to her right of maintenance under sections 24 or 25:

Provided that the maintenance granted under section 24 shall not be less than the amount of maintenance granted under this section.

(4) A petition under this section shall be decided within three months from the date of filing of the petition.

24 B. (1) The husband of an abandoned wife shall provide a suitable portion of his residence free of cost to her with all necessary amenities to make her stay habitable:

Right of abandoned wife to residence.

Provided that where the husband owns more than one residential premises, the abandoned wife shall have the option to choose any of such premises for her residence:

Provided further that the husband and his other relatives shall, as far as practicable, have no right to access to such portion of residence or such residential premises, as the case may be.

(2) The right of the husband to sell or in any way dispose of any property in which his abandoned wife is living by virtue of sub-section (1) shall remain suspended till, on a petition by either party, a decree is made under section 13 or 13B or till the expiry of one year from the restitution of conjugal rights of the abandoned wife under section 9 or otherwise."

4. In section 28, after clause (2), the following clause shall be inserted, namely:—

Amendment of section 28.

"(2A) An order made under section 24A may, on an appeal, be varied to the disadvantage of the abandoned wife only on the ground that she has not remained chaste."

## STATEMENT OF OBJECTS AND REASONS

The Hindu Marriage Act, 1955 provides maintenance to women during the pendency of a proceeding for judicial separation or divorce under the Act. However, there are many women who are abandoned by their husbands and they are unable to take recourse to proceedings under the Hindu Marriage Act, 1955 for various reasons.

Such abandoned women have to face severe financial and social hardships. On one hand, they are deprived of financial and economic support from their husbands. On the other hand, society does not view them with the dignity and honour that is due to them. Though there are social and economic dimensions of the problem, it cannot be denied that both are intricately related. The plight of such women becomes even more pitiable when the weaknesses in the existing legal framework are misused to prevent institution of a proceeding under the Hindu Marriage Act, 1955 to thwart any attempt to provide maintenance to them. In this way, they are unable to either obtain maintenance from their husbands or get the matrimonial relationship terminated.

2. In order to provide relief to women who have been abandoned by their husbands, the Bill proposes to amend the Hindu Marriage Act, 1955 to provide for:—

(a) provision of such mandatory maintenance to abandoned wife as would enable her to sustain a standard of living commensurate with the husband's income and property. For the purposes of the Bill, a woman shall be deemed to have been abandoned by her husband if the husband has severed ties with her or has failed to provide such support to her as, according to the customs and social practice, is expected to be provided by a husband to his wife, for a continuous period of not less than one year;

(b) securing the payment of the amount of maintenance in case of default by the husband by creating a charge on the income and, if necessary, also on the assets of the husband;

(c) ensuring right of the abandoned wife to reside at the residence of her husband or at any other residential premises owned by him; and

(d) suspension of the right of the husband to dispose of or part with any interest in any property in which the abandoned wife has a right to residence.

3. The Bill seeks to achieve the above objects.

NEW DELHI;  
*June 26, 2014.*

BHARTRUHARI MAHTAB

## BILL NO. 42 OF 2014

*A Bill further to amend the Water (Prevention and Control of Pollution) Act, 1974.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Water (Prevention and Control of Pollution) Amendment Act, 2014.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

6 of 1974.

**2.** In section 2 of the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as the principal Act)—

Amendment  
of section 2.

(i) the existing clause (a) shall be re-numbered as clause (aa) and before clause (aa) as so re-numbered, the following clause shall be inserted, namely:—

‘(a) “Authority” means in the case of a State, the State River Conservation Authority constituted under section 18B, and in all other cases, the National River Conservation Authority constituted under section 18A;’; and

(ii) after clause (gg), the following clause shall be inserted, namely:—

“(gga) ‘sewerage authority’ means a corporation, municipality or any other authority, by whatever name called, which is responsible for collection, treatment and disposal of sewage;”.

Amendment  
of section 16.

3. In section 16 of the principal Act, in sub-section (1), in clause (g), for the words “lay down, modify or annul”, the words “subject to the provisions of section 18D, lay down, modify or annul” shall be substituted.

Amendment  
of section 17.

4. In section 17 of the principal Act, in sub-section (1), in clause (g), for the words “to lay down, modify or annul effluent standards for the sewage and trade effluents”, the words “subject to the provisions of section 18D, to lay down, modify or annul effluent standards for the sewage and trade effluents” shall be substituted.

Insertion of  
new Chapter  
IVA.

5. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

#### “CHAPTER IV A

#### NATIONAL AND STATE RIVER CONSERVATION AUTHORITIES

Constitution  
of National  
River  
Conservation  
Authority.

18A. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the National River Conservation Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of—

(a) a Chairperson; and

(b) not more than five members,

to be appointed by the Central Government.

(4) The Chairperson and the members shall be selected from amongst persons who have practical knowledge and experience in the field of environment conservation and advocacy on environmental matters.

Constitution  
of State River  
Conservation  
Authority.

18B. (1) Each State Government shall, by notification in the Official Gazette, constitute a State River Conservation Authority:

Provided that two or more States may agree to constitute a single authority with such terms and conditions as the State Governments may prescribe.

(2) The Authority shall be a body corporate, having perpetual succession and common seal, with power to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of—

(a) a Chairperson; and

(b) not more than three members,

to be appointed by the State Government.

(4) The Chairperson and the members shall be selected from amongst persons who have practical knowledge of and experience in environment conservation and advocacy on environmental matters.

Assessment of  
sewage  
treatment  
capacity.

18C. The National River Conservation Authority and the State River Conservation Authorities shall carry out periodic assessment of requisite sewage treatment capacity and, where there is capacity deficit, recommend to the Central Government or the State Government, as the case may be, to enhance sewage treatment capacity to such an extent that the installed capacity is commensurate with the quantum of sewage generated.



18D. Notwithstanding anything contained in this Act, the State River Conservation Authority, in the case of a State, and the National River Conservation Authority, in case of Union territories, shall lay down parameters for effluent quality in sewage treatment plants:

Laying down parameters for sewage effluent quality.

Provided that different parameters may be laid down for different States and Union territories or parts within a State or a Union territory.

18E. (1) The Chairperson and every member of the National River Conservation Authority and the State River Conservation Authority shall hold office for a term of five years and shall be eligible for reappointment.

Term of office, salaries, and allowances of Chairperson and members of National River Conservation Authority and State River Conservation Authority.

(2) Notwithstanding anything in sub-section (1), the Chairperson and the members of the National River Conservation Authority and the State River Conservation Authority shall not be eligible to hold office after attaining the age of seventy years.

(3) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and the members of the National River Conservation Authority and the State River Conservation Authority shall be such as may be prescribed by the Central Government:

Provided that the salary and allowances and other terms and conditions of service of the Chairperson and the members shall not be varied to their disadvantage during their tenure.

(4) The Chairperson and members of the National River Conservation Authority or the State River Conservation Authority may be removed from office only on the ground of proved misbehaviour or incapacity:

Provided that the State Government shall consult the National River Conservation Authority before removing the Chairperson or a member of a State River Conservation Authority.

18F. The power to inspect sewage effluent and sewage treatment plants, to take sewage samples and other information, to review plants, specifications or other details relating to such plants, and to evolve methods of treatment and disposal of sewage shall be exercised by the Board under the superintendence, supervision and control of the National River Conservation Authority or the State River Conservation Authority, as the case may be.”.

Superintendence and control over certain functions of Board.

6. In section 24 of the principal Act,—

Amendment of section 24.

(i) in clause (a) of sub-section (1), for the words “laid down by the State Board”, the words “laid down by the State Board or the National River Conservation Authority or the State River Conservation Authority, as the case may be”, shall be substituted; and

(ii) in sub-section (3), the following proviso shall be added at the end, namely:—

“Provided that no exemption under this sub-section shall be granted to a sewerage authority except with the prior approval of the National River Conservation Authority or the State River Conservation Authority, as the case may be.”.

7. In section 34 of the principal Act, for the words “contributions to the Central Board as it may think necessary to enable the Board to perform its functions”, the words “contributions to the National River Conservation Authority and the Central Board as it may think necessary to enable the Authority and the Board to perform their functions” shall be substituted.

Amendment of section 34.

8. In section 35 of the principal Act, for the words “contributions to the State Board as it may think necessary enable the Board to perform its functions”, the words “contributions to the State River Conservation Authority and the State Board as it may think necessary to enable the Authority and the Board to perform their functions” shall be substituted.

Amendment of section 35.

Amendment  
of section 43.

**9.** In section 43 of the principal Act, for the words “one year and six months but which may extend to six years and with fine”, the words “two years but which may extend to ten years and with fine” shall be substituted.

Amendment of  
section 44.

**10.** In section 44 of the principal Act, for the words "One year and six months but which may extend to six years and with fine", the words "two years but which may extend to ten years and with fine" shall be substituted.

Amendment of  
section 45.

**11.** In section 45 of the principal Act, for the words "shall not be less than two years but which may extend to seven years and with fine", the words "shall not be less than three years but which may extend to twelve years and with fine" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

The level of pollution in rivers across India has been on the rise despite the launch of dedicated projects to cleanse rivers. Among various causes of pollution of rivers and streams, municipal sewage is today a major contributor. It is ironical that while new projects are being conceived to effectively cleanse our rivers, various authorities are adding to the problem by discharging untreated sewage into rivers.

The main cause for discharge of sewage into rivers is the lack of treatment capacity. Even after spending huge funds under various action plans, there is a huge deficit in treatment capacity. To make matters worse, the existing treatment plants are being underutilized resulting in inefficient treatment of sewage. The Central and the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974 have not been able to make much headway in checking water pollution caused by municipal sewage.

Therefore, in view of alarming level of pollution of rivers in India and increasing contribution of municipal sewage is accentuating the problem, the Bill purposes to amend the Water (Prevention and Control of Pollution) Act, 1974 to achieve the following objectives:—

(i) constitution of the National River Conservation Authority and the State River Conservation Authorities to lay down parameters for effluent quality for sewage treatment plants and to supervise and control the functions of the Central Board and the State Boards in preventing water pollution caused by sewage;

(ii) assessment of requirement of sewage treatment capacity by National River Conservation Authority and the State River Conservation Authorities so as to facilitate further capacity creation to bridge the gap between the existing capacity and the required capacity;

(iii) making prior approval of the National River Conservation Authority or the State River Conservation Authority compulsory for granting exemption to a sewerage authority for using a stream or a well for disposal of polluting matters, etc.; and

(iv) prohibiting discharge of sewage and other polluting matters into a stream and providing rigorous penalties for contravention of the provisions of the Act.

Hence this Bill.

NEW DELHI;  
June 26, 2014.

BHARTRUHARI MAHTAB

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of the National River Conservation Authority. Clause 7 provides that the Central Government shall make such contributions to the National River Conservation Authority as it may think necessary to enable the Authority to perform its functions.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## BILL NO. 43 OF 2014

*A Bill to deal with the non-performing assets of public sector banks and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Public Sector Banks (Control of Non-Performing Assets) Act, 2014.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "bank" means a scheduled bank included in the Second Schedule to the Reserve Bank of India Act, 1934;

(b) "non-performing assets" means any loans or advances in respect whereof the repayment of principal or the payment of interest has remained overdue for not less than ninety days;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "public sector bank" means a scheduled commercial bank in which the Central Government, or one or more State Governments, or the Central Government and one or more State Governments jointly hold not less than fifty-one per cent. of its paid up equity share capital.

Stressed  
Assets  
Management  
Committee.

3. (1) Every public sector bank shall constitute a Committee to be known as the Stressed Assets Management Committee to identify, monitor and for overall management of the cases of non-performing assets;

(2) The Committee shall,—

(i) look into the specific cases of non-performing assets of every bank where the amounts of assets involved exceeds such amount as may be specified by notification issued by the Central Government and suggest ways and means for recovery of such assets;

(ii) remit such cases to the Restructure Committee constituted under section 5 where it is satisfied that the stressed assets cannot be recovered in accordance with the terms of the existing agreement with the borrower;

(iii) report to the management of the bank in cases where it believes that an officer of the bank has failed to exercise due diligence in sanctioning any loans or advances which has resulted in creating non-performing assets; and

(iv) recommend initiation of legal proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 or the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 or any other law for the time being in force for recovery of stressed assets by a bank, if it is satisfied that such action is necessary for such recovery.

54 of 2002.  
51 of 1993.

Reporting of  
non-  
performing  
assets.

4. It shall be the duty of every Branch Manager to report every case of non-performing assets to the Stressed Assets Management Committee constituted under section 3 in such manner as may be prescribed.

Restructure  
Committee.

5. (1) Each public sector bank or two or more public sector banks shall jointly constitute a Restructure Committee.

(2) The Committee shall consist of such number of members as may be nominated by the bank or banks concerned.

(3) The Committee shall examine every case remitted to it by the Stressed Assets Management Committee and recommend suitable restructuring of loans and advances keeping in view the operational sustainability and profitability of the underlying projects and such other factors as it may deem fit.

Debt Advisory  
Committee.

6. (1) The Central Government shall, as soon as may be, constitute a Committee to be called the Debt Advisory Committee.

(2) The Committee shall consist of a Chairperson and four other members.

(3) The Chairperson and other members of the Committee shall be eminent economists having experience of not less than ten years in the field of banking, finance or economics.

(4) The Committee shall appoint such officers and employees as are necessary for effective discharge of its functions under this Act.

(5) The Committee shall frame guidelines and principles governing the following:—

(a) pre-sanction appraisal of solvency of prospective borrowers and liquidity and profitability aspects of the purpose for which loan or advance is sought;

(b) post-disbursement monitoring of projects by lender bank;

(c) sectoral aspects of risk assessment for projects and provisioning requirements for loans and advances to different sectors; and

(d) such other matters as may be referred to it by the Reserve Bank of India or the Central Government or any public sector bank.

**7. (1)** A borrower shall be deemed to be a wilful defaulter if he defaults in payment of any amount due to a public sector bank in respect of any loans or advances, when he is capable, in terms of available liquidity and expected cash flows, of making such payment or where he has utilized the amount of loan for a purpose other than the purpose for which it was sanctioned.

Wilful default  
by borrowers.

(2) Every case, where the amount of loans or advances involved exceeds such amount, as may be prescribed, of wilful defaulters shall be reported by each public sector bank to the Debt Advisory Committee.

(3) The Debt Advisory Committee shall maintain a Central Repository of Information on wilful defaulters with a view to disseminate the same to all public sector banks.

**8.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have  
overriding  
effect.

**9. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to  
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

The global recessionary trends have insidiously made their way into the Indian economy. Among the foremost indicators of slowdown in Indian economy is the rising proportion of non-performing assets in the banking sector. The public sector banks, which are largely funded by public money, have seen escalating exposure to non-performing assets. In the interest of security of public money invested in public sector banks, it is necessary that a dedicated mechanism is evolved to check the rise of non-performing assets of these banks.

2. In view of the above, the Bill seeks to—

- (a) provide for separate mechanism to deal with non-performing assets;
- (b) constitute a joint mechanism by public sector banks to consider restructuring of loans and advances;
- (c) provide for periodic reporting of non-performing assets;
- (d) provide for fixing responsibility of individual bank officers in cases where due diligence is not exercised by them;
- (e) provide for constitution of Debt Advisory Committee to frame guidelines and principles governing sanctioning of loans and advances and monitoring of underlying projects; and
- (f) maintaining a Central Repository of Information on wilful defaulters for disseminating the same among bankers.

Hence this Bill.

NEW DELHI;  
June 26, 2014.

BHARTRUHARI MAHTAB



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#### FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the constitution of the Debt Advisory Committee consisting of a Chairperson and four other members. It also provides for appointment of officers and employees for effective discharge of functions by the Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crore per annum on account of salaries and other administrative expenses of the Committee.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the purposes of the Bill.

The matters in respect of which rules may be made are matters of administrative details. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 41 OF 2014

*A Bill to provide for care of senior citizens suffering from dementia and provision of geriatric care facilities and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Senior Citizens (Provision of Geriatric and Dementia Care) Act, 2014.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government",—

(i) in relation to a Union territory, means the Central Government;

(ii) in relation to a State, means the Government of that State;

(b) "children" includes son, daughter, grandson and grand-daughter but does not include a minor;

(c) "dementia patient" means a person suffering from Alzheimer's disease, vascular dementia, fronto-temporal dementia or any other related cognitive disorder;

(d) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(e) "senior citizens" means any person being a citizen of India, who has attained the age of sixty years.

Geriatric care for senior citizens.

**3. (1)** The appropriate Government shall set up a Geriatric Care Unit in every district headquarters hospital to provide care in geriatric disorders to senior citizens.

(2) Every hospital, whether run by the Government or a private entity, with a capacity of two hundred beds for in-patient treatment, shall have a department of Geriatrics.

(3) The appropriate Government shall constitute day-care centres for senior citizens in every district.

Education in geriatric medicine and training in geriatric care.

**4.** Every State shall develop, in at least one medical college situated in the State, the facilities for imparting education in geriatric medicine and imparting training in geriatric care to nurses and other paramedical staff.

Constitution of Dementia Care Unit.

**5.** Every appropriate Government shall constitute in hospitals run by it, a sub-speciality Dementia Care Unit, whether under the Geriatric Care Unit constituted under section 3 or otherwise.

Survey of Dementia Patients.

**6.** The appropriate Government shall conduct a survey of patients suffering from dementia and a State-wise database of such patients shall be maintained.

Attendance allowance to dementia patients.

**7.** Every dementia patient shall be paid a monthly attendance allowance at such rate as may be prescribed by the appropriate Government:

Provided that in the case of a patient suffering from the Alzheimer's disease or such other severe variant of dementia as may be specified by the appropriate Government, the attendance allowance payable shall not be less than twice the amount of old age pension granted or grantable by the appropriate Government to senior citizens.

Duty of children of dementia patients to look after their parents.

**8. (1)** The maintenance and care of dementia patients shall be the responsibility of their children.

(2) The abandonment or disregard of dementia patients by their children shall be an offence which shall be punishable with imprisonment upto six months or fine upto rupees fifty thousand or both.

Power to remove difficulties.

**9.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Act to have overriding effect.

**10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power of Central Government to make rules.

**11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

India has a sizeable population of senior citizens and is growing by the day. Almost all senior citizens suffer from geriatric disorders—most common among them being the cognitive disorders. Severe forms of such disorders are the Alzheimer's disease and other forms of dementia. The patients suffering from such disorders often do not get proper care from their children and are even abandoned by them. The Government too has not paid enough attention to the need to provide geriatric care and treatment in general, and to the people suffering from different forms of dementia in particular.

2. Keeping in view the above hardships being faced by senior citizens the Bill seeks to make the following provisions:—

- (i) setting up of geriatric care units and day-care centres in all districts for senior citizens;
- (ii) promotion of geriatric medicine education and training in geriatric care;
- (iii) survey of dementia patients, constitution of dementia care units in hospitals and attendance allowance to dementia patients; and
- (iv) abandonment and disregard of dementia patients by their children to be an offence.

3. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*June 26, 2014.*

BHARTRUHARI MAHTAB

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FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of Geriatric Care Units and Day-Care Centres for senior citizens in all districts. Clause 4 provides for developing facilities for education and training in geriatrics and geriatric care while clause 5 provides for constitution of Dementia Care Units in certain hospitals. Clause 6 provides for survey of dementia patients and clause 7 provides for grant of attendance allowance to such patients.

The expenditure on account of implementation of above provisions in Union territories shall be met out of the Consolidated Fund of India. A non-recurring expenditure of about rupees one crore and a recurring expenditure of about rupees twenty lakh per annum may be involved in constituting and maintaining geriatric care units, day-care centres and dementia care units in each district. The development of facilities for education and training under clause 4 may involve non-recurring expenditure of rupees fifty crore and a recurring expenditure of rupees five crore per annum. The expenditure on attendance allowance cannot be estimated as it would depend upon the number of dementia patients identified by the survey to be conducted.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the purposes of the Bill. The rules made by the Central Government are required to be laid before each House of Parliament.

The matters in respect of which rules may be made or notification issued in accordance with the aforesaid provisions of the Bill are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.



## BILL NO. 48 OF 2014

*A Bill to amend the National Green Tribunal Act, 2010.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

**1.** This Act may be called the National Green Tribunal (Amendment) Act, 2014.

Short title.

**2.** After section 14 of the National Green Tribunal Act, 2010, the following section shall be inserted, namely:—

Insertion of new section 14A.

"14A. Notwithstanding anything in sub-section (1) of section 14, the Tribunal shall have no jurisdiction over cases arising out of,—

Tribunal to have no jurisdiction over matters relating to economic welfare or security.

(a) implementation of such matters of policy as are aimed at securing economic welfare or security of the citizens and are the exclusive responsibility of the Union Government; or

(b) matters that gravely affect the common man by prohibiting or denying them to engage in employment or earn livelihood."

## STATEMENT OF OBJECTS AND REASONS

The recent interim order of the National Green Tribunal banning the rat-hole coal mining in the State of Meghalaya has resulted in deleterious economic consequences. The protection of environment should not be at the cost of humanity. If there is a conflict between livelihood of common man and protection of environment, the former has to be favoured. Hawkish protection of environment at the cost of livelihood of children, labourers and traditional workers is not indicative of a progressive society.

The ban on rat-hole coal mining has resulted in labourers abandoning their children or selling them as they are no more economically capable to take care of them. Transport industry has been stricken. Cement plants are starved of fuel. Those who are traditionally engaged in the mining for more than half a century stand suddenly uprooted. The recent orders of Tribunal comes at a time when the owners and others engaged in the mining industry are ready to be inclusive in becoming more economic-friendly. Banning the rat-hole mining activities, without providing an alternative means for survival to thousands of labourers is gross injustice to them.

There are also several such other orders of Courts and Tribunals which throw out of gear the smooth progression of society in the name of dispensation of justice and strict implementation of law. What constitutes public welfare is a subject matter of serious discourse and demands fulfillment of legitimate expectations of common man by the State. The banning of rat-hole coal mining in the State of Meghalaya is causing deep unrest among the owners and miners as it is leaving them without the means of earning a livelihood.

The jurisdiction of the Tribunal, therefore, needs to be restricted so as to prohibit it to decide on cases which if upheld by it would result in denial to a considerable number of citizens the right to earn their livelihood.

Hence this Bill.

NEW DELHI;  
*June 26, 2014.*

VINCENT H. PALA

## BILL NO. 49 OF 2014

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014.

Short title.

2. In the Eighth Schedule to the Constitution, existing entries 9 to 22 shall be re-numbered as entries 10 to 23, respectively, and before entry 10 as so re-numbered, the following entry shall be inserted, namely:—

Amendment  
of the Eighth  
Schedule.

"9. Khasi".

## STATEMENT OF OBJECTS AND REASONS

'Khasi' language is widely spoken in the State of Meghalaya and other adjoining North-Eastern States such as Mizoram, Nagaland, Tripura and Assam. The language is also spoken by a sizeable population living in Bangladesh close to the Indian border. In Meghalaya alone nearly twenty lakh people speak Khasi. In other parts, the number of people who speak this language, though yet to be estimated, may be nearly twenty lakhs. Roman script is used for writing Khasi. Khasi is rich in folklore and folk tale. The language has immense valuable history and heritage. The celebrated poet *Soso Tham* commonly revered as the 'Bard of the Khasis' had added embellishment and enrichment to the Khasi language. A demand for adorning him on the Indian Postage Stamp is still pending with the Central Government.

There is a long pending demand from the Khasi speaking people to include Khasi language in the Eighth Schedule to the Constitution so that it is accorded a place of pride in the comity of languages mentioned in the Eighth Schedule. Such an inclusion would bring Khasi speaking people from the Meghalaya and other North-Eastern States into the mainstream and make them feel more patriotic.

The Bill, accordingly, seeks to amend the Constitution with a view to include Khasi language in the Eighth Schedule.

NEW DELHI;  
June 26, 2014.

VINCENT H. PALA